



**VSB**

**Executive Committee Meeting**

**June 11, 2025**

**and**

**Council Meeting**

**June 12, 2025**

**Virginia Beach**



## Virginia State Bar

1111 E. Main Street, Suite 700  
Richmond, Virginia 23219-0026  
Telephone: (804) 775-0500

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### AGENDA

#### EXECUTIVE COMMITTEE MEETING

Hilton Garden Inn Oceanfront

Nautilus Ballroom

3315 Atlantic Avenue, Virginia Beach

June 11, 2025, 12 noon

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A. President's Report – Michael M. York, President	<b>1</b>
B. Executive Director's Report – Cameron M. Rountree, Executive Director	<b>2</b>
C. Financial Report – Crystal T. Hendrick, Director, Finance/Procurement	<b>3</b>
D. Office of Bar Counsel Report – Renu M. Brennan, Bar Counsel	<b>4</b>
E. Entry, Growth, and Distribution of Virginia Attorneys Study Committee interim report – David B. Neumeyer, Chair	<b>9</b>
F. Pro Bono Reporting Summary – Crista L. Gantz, Access to Legal Services Director	<b>10</b>
<b>II. Action Items</b>	
A. Approval of the Minutes from April 18, 2025 and April 30, 2025 Meetings – Michael M. York, President	<b>11</b>
B. Approval of Legislative Activity to Amend Va. Code Sec. 54.1-3912 – Michael M. York, President	<b>12</b>
C. Approval of Amendments to Part 6, Sec. IV, Para. 13 of the Rules of the Supreme Court of Virginia – Melissa W. Robinson, Chair, Committee on Lawyer Discipline	<b>13</b>
D. Approval of Amendments to Rule of Professional Conduct 1.9 (c) – K. Brett Marston, Chair, Legal Ethics Committee	<b>14</b>

*The mission of the Virginia State Bar is (1) to protect the public, (2) to regulate the legal profession in Virginia, (3) to advance access to legal services, and (4) to assist in improving the legal profession and the judicial system.*

- E. Approval of LEO 1901 – K. Brett Marston, Chair, Legal Ethics Committee **15**
- F. Approval of Amendment to Unauthorized Practice Rules – K. Brett Marston, Chair, Legal Ethics **16**
- G. Request for Approval of New Sections – Janet Van Cuyk, Deputy Executive Director **17**
- H. Approval of Amendments to VSB Bylaws – Janet Van Cuyk, Deputy Executive Director **18**
- I. Approval of Amendments to Section Bylaws – Mallory J. Ralston, Director, Bar Programs & Engagement **19**
- J. Approval of Disciplinary District Committee Nominations – Cameron M. Rountree, Executive Director **20**
- K. Approval of Participation in Attorney Wellness Research Study – Janet Van Cuyk, Deputy Executive Director **21**
- L. Approval of Professionalism Course Extension Requests – Megan R. Connor, Deputy Director, Bar Programs & Engagement **22**
- M. Approval of Resolutions for Michael M. York and Wehner & York, P. C. - K. Brett Marston, President-Elect and Cameron M. Rountree, Executive Director **23**

### **III. Notice of Upcoming Meetings, Receptions and Dinners**

12 noon, Wednesday, September 17, 2025, Executive Committee meeting

- Virginia State Bar, Bank of America Building, 3<sup>rd</sup> floor conference room, Richmond

12 noon, Thursday, October 23, 2025, Executive Committee meeting

- Hotel Roanoke, 110 Shenandoah Avenue NE, Roanoke

6:00 p.m., Thursday, October 23, 2025, Council Reception and Dinner

- Hotel Roanoke, 110 Shenandoah Avenue NE, Roanoke

9:00 a.m., Friday, October 24, 2025, Council meeting

- Hotel Roanoke, 110 Shenandoah Avenue NE, Roanoke



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### AGENDA

#### COUNCIL MEETING

Hilton Oceanfront, Peacock Ballroom C, 3001 Atlantic Avenue, Virginia Beach  
June 12, 2025, 9:15 a.m.

<b>I. Reports and Information Items</b>	<b>Tab</b>
A. President's report – Michael M. York, President	<b>1</b>
B. Executive Director's report – Cameron M. Rountree, Executive Director	<b>2</b>
C. Financial report – Crystal T. Hendrick, Finance/Procurement Director	<b>3</b>
D. Office of Bar Counsel report – Renu M. Brennan, Bar Counsel	<b>4</b>
E. Conference of Local and Specialty Bar Associations report – Christine H. Mougín-Boal, Chair	<b>5</b>
F. Diversity Conference report – Zaida C. Thompson, Chair	<b>6</b>
G. Senior Lawyer's Conference report – Thomas G. Bell, Jr., Chair	<b>7</b>
H. Young Lawyer's Conference report – Benjamin A. Shute, YLC President	<b>8</b>
I. Entry, Growth, and Distribution of Virginia Attorneys Study Committee interim report – David B. Neumeyer, Chair	<b>9</b>
J. Pro Bono Reporting Summary – Crista L. Gantz, Access to Legal Services Director	<b>10</b>
<b>II. Action Items</b>	
A. Approval of the Minutes from March 1, 2025 Meeting – Michael M. York, President	<b>11</b>

- B. Approval of Legislative Activity to Amend Va. Code Sec. 54.1-3912 – Michael M. York, President 12
- C. Approval of Amendments to Part 6, Sec. IV, Para. 13 of the Rules of the Supreme Court of Virginia – Melissa W. Robinson, Chair, Committee on Lawyer Discipline 13
- D. Approval of Amendments to Rule of Professional Conduct 1.9 (c) – K. Brett Marston, Chair, Legal Ethics Committee 14
- E. Approval of LEO 1901 – K. Brett Marston, Chair, Legal Ethics Committee 15
- F. Approval of Amendment to Unauthorized Practice Rules – K. Brett Marston, Chair, Legal Ethics 16
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# TAB 1



# Virginia State Bar

1111 E. Main Street, Suite 700  
Richmond, Virginia 24219-0026  
Telephone: (804) 775-0500

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**To:** Executive Committee  
Bar Council

**From:** Michael M. York  
President

**Dates:** June 11-12, 2025

**Re:** President's Report for June 2025

Dear Executive Committee and Council Members,

In addition to the matters that I will address at the Executive Committee meeting on June 11, 2025, and the Council Meeting on June 12, 2025, in Virginia Beach, please accept this as a report of my activities since my term began on July 1, 2024. I look forward to meeting in person and discussing these events and all matters on the meeting agendas.

## **Appointments/Travel/Events**

- 07/17-20/24 ALPS Bar Leaders Retreat in Missoula, Montana – Attended biannual retreat on behalf of VSB with VSB Executive Director Cameron Rountree and President-Elect Brett Marston.
- 07/23/24 VSB All Staff Meeting in Richmond — Attended and gave remarks.
- 07/31-08/3/24 National Conference of Bar Presidents held in conjunction with ABA Annual Meeting in Chicago – Attended on behalf of VSB with VSB Executive Director and President-Elect.
- 08/08-09/24 VSB Disciplinary Conference in Richmond – Gave an address to the attendees on behalf of the VSB.

- 08/13-14/24 VSB Professionalism Course in Fairfax – Attended the faculty dinner and sponsored wine using the President’s Fund. Gave an address to the attendees during the opening session.
- 08/21/24 VSB Better Annual Meeting Committee — Attended this virtual meeting.
- 8/22/24 Virginia Law Foundation – Attended the 2024 Grant Recipient Luncheon in Richmond and presented with Executive Director the VSB proclamation recognizing the VLF’s 50<sup>th</sup> anniversary.
- 08/23/24 Appalachian School of Law — Attended with David Neumeyer, chair of the VSB Entry, Growth and Distribution of Virginia Attorneys (EGAD VA) Study Committee, a Zoom meeting with President and Dean Colonel David J. (D.J.) Western, USAF, Ret.
- 08/28/24 First Joint Field Hearing of VSB EGAD VA Study Committee and the Access to Justice Commission’s Listening Tour Committee at Rappahannock Community College in Warsaw.
- 08/29/24 Liberty University School of Law — Attended with David Neumeyer, chair of the VSB EGAD VA Study Committee, a meeting in Lynchburg with Interim Dean Tim Todd.
- 08/30-31/24 Liberty University School of Law — Attended 20<sup>th</sup> Anniversary Founder’s Day events and Banquet in Lynchburg on behalf of the VSB.
- 09/03/24 Virginia Judges and Lawyers Assistance Program — Met with Sarah Endres, J.D., Northern Virginia Region Manager of VJLAP, in Richmond.
- 09/04/24 George Mason University Scalia School of Law — Attended with David Neumeyer, chair of the VSB EGAD VA Study Committee, a Zoom meeting with GMU Scalia Law School Dean Kim Randall and Victoria Huber, Associate Dean for Professional Development.
- 09/11/24 VSB Bench Bar Committee — Virtually attended this meeting.
- 09/15-16/24 “Constitution Day: Free Elections and the Rule of Law” at University of Virginia — Attended dinner with participants. Gave welcome and introduced American Bar Association Immediate Past President Mary Smith at program co-hosted by the Karsh Institute of Democracy, the Frank Batten School of Leadership and Public Policy, the American Bar Association, and the Karsh Center for Law and Democracy, and sponsored by the Virginia Law Foundation.
- 09/17-18/24 VSB Professionalism Course in Richmond — Attended the faculty dinner and sponsored wine using the President’s Fund. Gave an address to attendees during the opening session.

- 09/19/24 National Clients Protection Organization meeting in Virginia Beach – Gave welcome address on behalf of VSB to attendees from representatives of client protection funds across the United States (17 states and the District of Columbia).
- 09/19/24 Virginia Law Foundation Gala in Richmond – Attended VLF’s 50<sup>th</sup> anniversary celebration on behalf of VSB.
- 09/20/24 12th Annual Small Firm/Solo Practitioner Conference and Regional Bench-Bar Forum, Abingdon — Gave virtual welcome on behalf of VSB.
- 09/24/24 University of Richmond School of Law — Attended with VSB President-elect Brett Marston a meeting in Richmond with Dean Wendy Perdue, with David Neumeyer, chair of the VSB EGAD VA Study Committee, joining remotely.
- 09/25/24 VSB Section, Conference and Committee Chairs meeting in Richmond – Provided an overview of important issues and facilitated a breakout session with the board and committee chairs.
- 09/25/24 Second Joint Field Hearing of VSB EGAD VA Study Committee and the Access to Justice Commission’s Listening Tour Committee on Eastern Shore in Belle Haven — Attended virtually.
- 09/29-30/24 Solo & Small-Firm Practitioner Forum in Smithfield – Attended the speakers’ dinner and sponsored wine from President’s Fund. Gave welcome address at forum sponsored by the CLSBA and participated in panel with Chief Justice Goodwyn and VSB Executive Director Cameron Rountree.
- 10/01/24 University of Virginia School of Law — Attended a meeting in Charlottesville with Dean Leslie Kendrick. David Neumeyer, chair of the VSB EGAD VA Study Committee, joined remotely.
- 10/09/24 Young Lawyers Conference Women & Minorities Bench-Bar Reception and Dinner at Williamsburg Lodge, Williamsburg — Attended and introduced keynote speaker The Honorable Angela E. Roberts, retired chief judge of the Richmond Juvenile & Domestic Relations Court.
- 10/10/24 Executive Committee meeting, Kingsmill, Williamsburg — Presided over regular meeting.
- 10/10/24 Bar Council Reception and Dinner, Kingsmill, Williamsburg — VSB President’s Fund provided table wine and entertainment, featuring jazz group from Warhill High School in Williamsburg.
- 10/11/24 Bar Council meeting, Kingsmill, Williamsburg – Presided over regular meeting. Council unanimously approved a resolution to provide free legal billing software to VSB members, to begin later this month.

- 10/16/24 Virginia Law Foundation's Rule of Law Event, Virginia Holocaust Museum, Richmond — Attended on behalf of VSB with VSB Executive Director Cameron Rountree.
- 10/16/24 Northern Neck Bar Association at Lancaster Courthouse— Attended and spoke to group about the Virginia State Bar.
- 10/16/24 VSB Annual Pro Bono Conference, Williamsburg Lodge, Williamsburg — Held in conjunction with Poverty Law Center statewide Legal Aid Conference CLE program; attended joint Reception with VPLC and VSB; emceed Celebration & Awards dinner.
- 10/17/24 William and Mary School of Law — Attended with David Neumeyer, chair of the VSB EGAD VA Study Committee, a meeting in Williamsburg with Dean Benjamin Spencer.
- 10/18/24 The Virginia Alliance of Paralegal Associations (VAPA) 14th Biennial Education Conference, Charlottesville — Gave luncheon address to paralegal attendees attending two-day conference.
- 10/23-27/24 Southern Conference of Bar Presidents Conference in Jackson, Mississippi — Attended on behalf of VSB with VSB Executive Director Cameron Rountree, President-Elect Brett Marston, and Immediate Past President Chidi James.
- 10/30/24 VSB Better Annual Meeting Committee — Attended BAM Future subcommittee and BAM committee in Richmond looking at CLE options, theme for June 2025.
- 10/30/24 Ribbon-cutting Ceremony for Karen A. Gould Hearing Room at VSB Offices — Took part in ceremony honoring former Executive Director and VSB President Gould, attended by Gould family, VSB staff and six former VSB Presidents.
- 11/06/24 Loudoun Chapter of the Virginia Women Attorneys Association (VWAA) Meeting in Ashburn — Gave luncheon address.
- 11/7/24 Washington and Lee School of Law — Attended with David Neumeyer, chair of the VSB EGAD VA Study Committee, a meeting in Lexington with Dean Melanie Wilson.
- 11/14/24 Virginia Board of Bar Examiners — Attended with VSB Executive Director and President-elect meeting with VBBE Chair Brian Jackson and Member Catherine Hill in Richmond.
- 11/21/24 Alexandria Bar Association — Gave dinner address at bar's monthly meeting.
- 11/22/24 Jazz4Justice 23<sup>rd</sup> annual event at George Mason University — Attended and recognized by event founder and former VSB President Ed Weiner.

- 12/2-3/24 VSB Professionalism Course in Richmond — Attended the faculty dinner and sponsored wine using the President’s Fund. Gave an address to the attendees during the opening session.
- 12/4/24 Admission & Orientation Ceremony hosted by the Supreme Court of Virginia and the VSB Young Lawyers Conference — Gave remarks for new admittees. Greeted Governor Youngkin.
- 12/5/24 VSB All Staff Meeting & Holiday Luncheon — Attended and gave brief remarks.
- 12/6/24 Northern Neck Bar Association Holiday Gathering in Weems — Attended.
- 12/9/24 Roanoke Bar Foundation Annual Santa at the Station — Participated in this holiday party for children and their parents living in shelters during the holiday season.
- 12/10/24 Roanoke Bar Association — Monthly lunch meeting speaker, introduced by VSB President-elect Brett Marston. RBA will celebrate its 100<sup>th</sup> anniversary in 2025.
- 12/11/24 Supreme Court’s Access to Justice Commission Meeting — Attended.
- 12/12/24 Meeting with Upper Mattaponi Chief Frank Adams — Attended with VSB Executive Director Cameron Rountree to discuss tribal courts presentation March 1.
- 12/16/24 Culpeper Term Day Luncheon — Invited guest of 16th Circuit Court Judge Dale B. Durrer to speak to lawyers and judges.
- 12/16/24 Culpeper Courthouse Special Session — Attended as guest of Judge Durrer and spoke after Durrer signed a historic court order declaring innocent three Black men who were lynched by mobs in Virginia during the 1800s and early 1900s.
- 1/8/25 Newport News Bar Association — Luncheon speaker at Bar’s monthly meeting.
- 1/14/25 VSB Bench-Bar Relations Committee — Attended virtual meeting.
- 1/15/25 VSB Budget and Finance Committee — Attended meeting at VSB in Richmond.
- 1/23/25 VSB Nominating Committee — Attended meeting at VSB in Richmond.
- 1/24/25 Virginia Law Foundation Fellows Induction Dinner in Williamsburg — Represented VSB at annual event.
- 1/24-25/25 Virginia Bar Association’s 135th Annual Meeting in Williamsburg — Represented VSB at meeting.
- 1/28/25 The Entry, Growth, and Distribution of Virginia Attorneys (EGAD VA) Study Committee meeting — Attended this virtual meeting.

- 1/30-2/1/25 National Conference of State Bar Presidents/Southern Conference of Bar Presidents/ABA Midyear Meeting in Phoenix, AZ — Attended meeting with VSB Executive Director and President-elect.
- 2/14-15/25 William & Mary Law School Spong Moot Court Competition in Williamsburg — Participated as a judge.
- 2/28/25 Executive Committee meeting, VSB office in Richmond — Presided.
- 2/28/25 Bar Council Reception and Dinner, Virginia Museum of Fine Arts, Richmond — Invited guests included Virginia tribal leaders and American Bar Association Immediate Past President Mary Smith, first Native American woman ABA president. VSB President's Fund provided table wine.
- 3/1/25 Bar Council meeting, Richmond — Presided over regular meeting. Opening presentation by Upper Mattaponi Chief Frank Adams on its tribal court and remarks by ABA Immediate Past President Mary Smith.
- 3/6-7/25 Bar Leaders Institute, Richmond — Attended the faculty dinner, sponsored wine using the President's Fund. Gave welcome remarks to attendees of annual event hosted by VSB Conference of Local and Specialty Bar Associations.
- 3/11-12/25 VSB Professionalism Course in Charlottesville — Attended the faculty dinner and sponsored wine using the President's Fund. Gave an address to the attendees during the opening session.
- 3/13/25 Virginia Legal Aid Society Reception and Dinner, Valentine Museum, Richmond — Attended on behalf of VSB.
- 3/18/25 VSB Better Annual Meeting Committee — Attended virtual BAM Future subcommittee and BAM committee
- 3/27/25 Virginia Law Foundation CLE Committee — Attended virtually to represent VSB.
- 4/2/25 Supreme Court of Virginia — Attended virtually Court's business meeting with Executive Director Cameron Rountree to discuss VSB 2025-2026 budget proposal.
- 4/3-4/25 Diversity Conference Annual Forum, Virginia Union University, Richmond — Attended speakers' dinner (sponsored wine from President's Fund) and Forum.
- 4/7-8/25 VSB CLSBA Solo & Small-Firm Practitioner Forum in Charlottesville — Attended speakers' dinner (sponsored wine from President's Fund). Gave welcome address and on panel with Chief Court of Appeals Judge Marla Decker.
- 4/8/25 Charlottesville Albemarle Bar Association, Charlottesville — Met with local bar leaders, President Greg Johnson and incoming President Amy Pruett.

- 4/9/25 Commemorating 70<sup>th</sup> Anniversary Brown v Board of Education, Library of Virginia, Richmond — Gave welcome at event hosted by Virginians for Reconciliation, chaired by former Gov. Bob McDonnell. Justice Cleo Powell and Senior Justice Bill Mims gave keynote addresses; panel, moderated by George Martin, included former Virginia Attorneys Generals Mark Earley, Mark Herring, and Gov. McDonnell.
- 4/11/25 VSB Entry, Growth and Distribution of Virginia Attorneys (EGAD VA) Study Committee — Attended hybrid meeting virtually to prepare recommendations.
- 4/14/25 Virginia Supreme Court Justice Teresa Chafin, Lebanon — Met with Justice Chafin in her Chambers.
- 4/14-15/25 Appalachian School of Law, Grundy — Invited by Dean Colonel David J. (D.J.) Western, USAF, Ret. to speak to law students and survey flood damage. Attended dinner, hosted by two ASL professors, with honor students.
- 4/18/24 VSB Executive Committee Meeting — Presided over specially called virtual meeting to review Supreme Court of Virginia order on conferences.
- 4/21/25 Regent University School of Law, Virginia Beach — Invited by Dean Brad Lingo for luncheon presentation to students.
- 4/28/25 10<sup>th</sup> Annual VSB Techshow, Virtual – Delivered welcome remarks.
- 4/29/25 VSB Staff Meeting and Luncheon — Attended and gave brief remarks.
- 4/29/25 VSB Past Presidents Dinner, University of Richmond Jepson Center — Attended event hosted by Immediate Past President Chidi James and sponsored cocktails/table wine from President’s Fund.
- 4/30/25 VSB Executive Committee Meeting, Richmond — Presided over regular meeting.
- 4/30/25 VSB Better Annual Meeting — Attended BAM Future subcommittee in Richmond and attended the following BAM committee virtually.
- 5/1/25 Virginia Mountain/Valley Lawyers’ Alliance Spring Meeting, Staunton — Attended and was Luncheon Law Day speaker. CLSBA affiliated group.
- 5/1/25 The Law Day Weiner Roast, Fairfax — Attended Fairfax Law Foundation fundraiser, sponsored by Weiner, Spivey & Miller, PLC. Fairfax Circuit Court Chief Judge Penney S. Azcarate led lawyers in reaffirming their oath.
- 5/3/25 Paralegal Association of Northern Virginia — Addressed area paralegals at in-person/virtual CLE meeting in Fairfax with EGAD-VA chair David Neumeyer, who joined virtually for session on access to justice issues and paralegals.

- 5/6/25 Bench-Bar Relations Committee Meeting — Attended virtual meeting, delivered remarks.
- 5/12-13/25 Judicial Conference of Virginia, Williamsburg Lodge, Williamsburg — Attended conference and State of Judiciary Address by Chief Justice Goodwyn.
- 5/16/25 Old Dominion Bar Association, Virginia Beach — Attended opening session of ODBA meeting.
- 5/17/25 71<sup>st</sup> Commemoration of *Brown v. Board of Education* decision, Virginia Commonwealth University, Richmond — Invited to represent VSB at event with seven Virginia governors hosted by Virginians for Reconciliation and VCU.
- 5/21/25 VSB Entry, Growth and Distribution of Virginia Attorneys (EGAD VA) Study Committee — Virtual. Participated in preparing recommendations.
- 6/4/25 Admission & Orientation Ceremony hosted by the Supreme Court of Virginia and the VSB Young Lawyers Conference — Delivered remarks for new admittees.
- 6/10/25 Eastern Shore Bar Association, Onley — Invited by ESBA President Jack Thornton (and Northampton Commonwealth’s Attorney).
- 6/11/25 VSB Executive Committee Meeting, Virginia Beach – To preside.
- 6/11/25 VSB Bar Council Reception and Dinner, Virginia Beach — To attend and preside.
- 6/12/25 VSB Professionalism Course in Virginia Beach — To give an address to the attendees during the opening session.
- 6/12/25 VSB Bar Council Meeting, Virginia Beach — To preside.
- 6/12-14/25 VSB Annual Meeting, Virginia Beach — To preside.
- 6/26-28/25 Judicial Conference of the Fourth Circuit — To attend biannual event in Charlotte, NC.

**In Memoriam**

**Jessica “Jess” D. Aber**, 43, former U.S. Attorney for the Eastern District of Virginia (EDVA), died March 22, 2025, in Alexandria. An EDVA Assistant U.S. Attorney for 12 years, she was unanimously confirmed for the top spot in 2021 by the U.S. Senate and served until January 2025. She was selected last fall to serve on the Virginia State Bar’s Professionalism Course faculty and previously was an ex-officio member of the VSB Criminal Law Section. <https://www.legacy.com/us/obituaries/washingtonpost/name/jessica-aber-obituary?id=58074160>

**William Michael Phipps**, 63, Prince William County Deputy Commonwealth’s Attorney and head of the Domestic Violence unit, died March 30, 2025, in Herndon. A past president of the Prince William County Bar Association, he also was honored with a 2024 award for his 30 years

of dedicated service to the Prince William Office of the Commonwealth's Attorney.  
<https://www.adamsgreen.com/obituaries/William-Michael-Phipps?obId=40156740>

**Charles N. Cooper**, age 89, a Norfolk attorney of more than 50 years, died February 25, 2025. Of particular importance to Cooper, who was deeply involved in his community, was his role as a founding director of the Tidewater Legal Aid Society.  
<https://www.hdoliver.com/obituaries/Charles-N-Cooper?obId=37994433>

**Carl Philip Horton**, 81, of Lovettsville, who established his family law practice in Vienna, where he spent the bulk of his 50-year legal career, died April 11, 2025. Horton dedicated his retirement years to Guardian Ad Litem work, working as a guardian for children.  
<https://www.colonialfuneralhome.com/obituary/carl-horton>

**David Dudley Redmond**, 80, who practiced at Christian and Barton in Richmond for more than four decades, died February 26, 2025. Devoted to his alma mater, Washington and Lee, he served as president of its Law Council. He was awarded the Bronze Star Medal while serving as a U.S. Army captain in Vietnam. He served on the Richmond Bar Association's Executive Committee.  
<https://www.legacy.com/us/obituaries/timesdispatch/name/david-redmond-obituary?id=57699151>

### **Closing Remarks of 2024-2025 Presidential Term**

Since being sworn in as the 86<sup>th</sup> President at the Virginia State Bar at the 2024 Annual Meeting by Chief Justice S. Bernard Goodwyn, the year has gone by quickly for me with great experiences and some thorny challenges along the way. I am forever grateful to have had this special opportunity to serve and for all the help over the year.

Chief Justice Goodwyn, who has announced that he will retire Jan. 1, 2026, has provided exceptional service and contributions to the bar and public at large in his three decades on the bench — at all levels of our judiciary. We appreciate his wisdom and guidance, and I'm sure we will call on him often in the future.

Thanks to our dedicated VSB staff members, led by Cameron Rountree. And I can't thank his executive assistant Shawne Moore enough for her patient assistance, kindness, and hard work to help me and my managing partner Becky this year. During my year, we lost to retirement some long-term staff members leading our key bar efforts, but we have a strong bench that has stepped up with fresh ideas to move us forward.

From this new perspective, I truly appreciate all those lawyers throughout the state who serve on Bar Council and the many others who have stepped up to leadership roles on various VSB committees and sections – and those involved in the local and specialty bars. The Executive Committee has been especially involved this year in tackling some tough issues, and I thank them for their participation and wisdom.

Immediate Past President Chidi James continues to be a source of inspiration to me, and I will continue to support the special EGAD VA committee he established to determine what the bar can

do to increase the number of lawyers practicing in the Commonwealth and expand the access to justice to all Virginians.

Finally, I am happy to pass the baton to our next president Brett Marston, who now makes his living managing lawyers. He has been an outstanding bar volunteer since he was a young lawyer starting out in Roanoke, and it's been a pleasure to get to know him and his lovely wife Colleen better this last year. He will be a steady hand, and I look forward to supporting him and our soon-to-be President-elect Sue Tarley of Williamsburg.

# TAB 2



# Virginia State Bar

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Richmond, Virginia 24219-0026

Telephone: (804) 775-0500

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**To:** Executive Committee  
Bar Council

**From:** Cameron M. Rountree  
Executive Director and Chief Operating Officer

**Dates:** June 11-12, 2025

**Re:** Executive Director's Report for June 2025

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## I. VSB in a snapshot

VSB Members by Member Class 5/16/2025 (change since 1/22/2025)

<b>Class</b>	<b>Amount</b>
Active	32,586 (-13)
Associate	13,411 (-167)
Disabled	211 (-1)
Emeritus	34 (-1)
Judicial	975 (+2)
Limited Admission	1,157 (+33)
Pending	48 (+27)
Retired	6,017 (-248)
<b>Total</b>	<b>54,439 (-368)</b>

## II. Strategic plan update

A little over a year ago, from April 25-26, 2024, the VSB Strategic Planning Committee met in Winchester and developed a proposed three year strategic plan which was adopted by Council in May 2024. The plan addressed four goals for the VSB to pursue over the next three years:

1. Operate from a position of financial health;
2. Strengthen cohesion among members and advance pathways for service in the VSB;
3. Best serve members and advance solutions designed to navigate a changing legal landscape; and
4. Advance access to legal services for all Virginians.

The committees of competent jurisdiction and staff have executed this direction, and I can report the following steps associated with each goal:

**a. Financial health:**

- a. MCLE sponsor fees increased on May 14, 2024.
- b. Delinquent fees restored to pre-pandemic level on March 17, 2025.
- c. Public comment solicited on obtaining approval from the Supreme Court to petition the General Assembly to amend [Va. Code § 54.1-3912](#) to raise the statutory cap on VSB dues on March 3, 2025.
- d. FY26 VSB budget submitted to the Supreme Court for approval on March 6, 2025.

**b. Cohesion & Pathways: no changes since the October report.**

**c. Changing Legal Landscape:**

- a. Technology and Future Practice of Law: The 2025 report from the Virginia State Bar's Committee on Technology and the Future Practice of Law (TFPL) aims to educate and advise bar members on the intersection of law and technology, focusing on the proliferation of artificial intelligence and its uses in legal practice. Key topics discussed include the impact of AI on legal research and other tasks, the role of technology in client communication, and the importance of cybersecurity and cloud computing for legal professionals. The report also addresses how technology can affect access to justice, particularly in rural and underserved areas, and offers predictions on the future of legal practice in Virginia. The report will be published by the annual meeting.
- b. EGAD-VA: Since January, the VSB Entry, Growth, and Distribution of Virginia Attorney (EGAD-VA) Study Committee has been primarily focused on information gathering, survey analysis, and other research projects. The "All Attorney" survey closed in March and received almost 2,000 responses from VSB members. Three additional surveys were deployed in the first

quarter of 2025, including the Virginia Court Survey, which closed the week of April 7th with more than 125 responses from chief judges of the Commonwealth's local courts about local attorney volumes and related impacts on the courts and the public. EGAD-VA is currently planning a series of educational webinars and a CLE presentation at the VSB Annual Meeting to complement the release of its initial report in June, followed by a final report and recommendations in September 2025.

- d. Advance Access: no changes since my February report, besides the efforts of EGAD-VA and the TFPL Committee noted above.

As these efforts continue, I will provide further updates in this report.

### III. Finances

As noted previously, we continue to forecast VSB operating deficits. Although we are projecting a significantly lower than expected deficit this year (~\$800,000) compared to what was forecast in October (~\$1.1M), we are pursuing a dual approach to cut expenses and raise revenue. I have provided Council and the Executive Committee with the VSB staff's plan to increase revenue through dues, which have not been raised in 25 years and were decreased for four years (2012-2015) during this period.

The first step was to solicit public comment about amending [Va. Code § 54.1-3912](#) to provide the Supreme Court the authority to raise dues above the current \$250 statutory limit. This is the most time-sensitive step. However, not only must the code be amended before any dues increase could take effect but two provisions of [Part 6, Sec. IV, Para. 11](#) of the Rules of Court also must be amended.

The sequential process I announced at the March 1, 2025, Council meeting has begun. If successful, the plan is envisioned to progress as follows:

- i. VSB solicits public comment regarding legislative activity to amend Va. Code § 54.1-3912 (March 2025).
- ii. Council recommends that the Court approve VSB legislative activity concerning the statutory cap (\*\*NOW\*\*): June 2025).
- iii. Court approves legislative activity (estimated August 2025) (this is also when, if approved, Council members are empowered to approach General Assembly members on behalf of the VSB).
- iv. VSB petitions General Assembly to amend code (before and during the 2026 session).
- v. General Assembly amends Va. Code § 54.1-3912 and Governor signs bill (estimated to be late April 2026).
- vi. VSB solicits public comment about amending the provision in Part 6, Sec. IV, Para. 11 regarding the prohibition on raising dues unless the reserve fund balance is less than 15% of the previous year's operating expenditures (estimated: TBD).

- vii. VSB solicits public comment about amending the provision in Part 6, Sec. IV, Para. 11 setting active member VSB dues at \$250 (estimated: TBD).
- viii. Council recommends that the Court amend both provisions of Part 6, Sec. IV, Para. 11 (estimated: TBD).
- ix. Court approves amendments to Part 6, Sec. IV, Para. 11 (estimated: TBD).
- x. Dues increase effective: TBD.

#### IV. Council Members elected to the Bench

Please join me in congratulating the following VSB Council members who were elected to the bench during the 2025 General Assembly session:

- Susan M. Butler—31<sup>st</sup> Judicial Circuit J&DR
- Tamika D. Jones—19<sup>th</sup> Judicial Circuit GDC
- Adam M. Krischer—17<sup>th</sup> Judicial Circuit GDC

#### V. Council Elections

The following candidates have been elected to begin terms on Council July 1<sup>st</sup> filling uncontested vacancies:

Circuit	Member	Term Extension	Note
2	Steven G. Owen	(2028/1)	replaces N. Kalantar
3	Matthew R. Foster, 2 <sup>nd</sup> term	(2028/2)	incumbent
4 4	Charlene A Moring, 2 <sup>nd</sup> term Kristan B. Burch	(2028/2) (2027/U)	incumbent replaces C. J. Peters
5	Sean P. Dolan	(2028/1)	incumbent
6	Derek A. Davis	(2028/2)	incumbent
9	Andrew J. Dean	(2026/U)	replaces S. B. Tarley
13 13	Carson A. Cox Karissa T. Kaseorg	(2028/1) (2028/1)	replaces C. D. Seltzer replaces G. F. Willis, Jr.
16	Ann Marie Park, 2 <sup>nd</sup> term	(2028/2)	incumbent
17 17 17	G. L. "Rex" Flynn, Jr., 2 <sup>nd</sup> term David E. Sher, 2 <sup>nd</sup> term Carole H. Capsalis, 2 <sup>nd</sup> term	(2028/2) (2028/2) (2027/U)	incumbent incumbent completing term of A. Krischer
19 19 19	Robert B. Walker, 2 <sup>nd</sup> term John E. Foster Brianna B. Weiner	(2028/2) (2028/1) (2028/1)	incumbent replaces G. V. Davis replaces T. D. Jones
20	Leslie Y. Barnes	(2028/1)	replaces R. P. Bain

Circuit	Member	Term Extension	Note
23	Kevin E. Holt, 2 <sup>nd</sup> term	(2028/2)	incumbent
24	Hope R. Townes, 2 <sup>nd</sup> term	(2028/1)	incumbent
26	Peter K. McDermott II, 2 <sup>nd</sup> term	(2028/2)	incumbent
27	W. Grant Back, 2 <sup>nd</sup> term	(2028/2)	incumbent
29	Bradley D. Fleming, 2 <sup>nd</sup> term	(2028/2)	incumbent
31	Seema D. Ruchandani	(2028/1)	replaces A. B. Bristle

The following circuits had contested elections in April with the winning candidates noted to begin terms on July 1st:

Circuit	Member	Term Extension	Note
12	Anne L. Roddy	(2028/1)	new Council seat
15	Mackenzie Babichenko	(2028/1)	new Council seat
22	Michael A. Nicholas	(2028/1)	replaces Hunter Byrnes

The following circuits will have vacancies due to a failure of sufficient candidates. A special election will be called at a later date:

Circuit	Member	Term Extension	Note
17	Vacant	(2028/1)	C. Capsalis is filling A. Krischer's unexpired term
19	Vacant	(2026/2)	S. Butler unexpired term due to election to bench

## VI. Supreme Court's Order on VSB Conferences

In April, mindful of the financial strains on the VSB and the use of VSB dues to support them, the Court ordered the VSB to convert the four Conferences (the Conference of Local and Specialty Bar Associations, the Diversity Conference, the Senior Lawyers Conference and the Young Lawyers Conference) into Sections. As such, they will no longer be eligible to receive VSB operating funds except for some limited programming beginning in fiscal year 2027. This change will be discussed during this meeting.

## VII. Rule changes, regulations, and other information

- At its April business meeting, the Supreme Court approved the following:
  - RPC 1.5(g) making clear that non-refundable advanced fees are prohibited

- Emeritus class redefinition
  - RPC 6.5 clarifying that a program to provide court-appointed counsel at first appearance and/or same-day bail hearings in criminal cases is within the scope of the rule and that a lawyer is not required to conduct a conflict check before providing the short-term limited legal services.
  - Council at large appointments
  - Board appointments (Disciplinary Board, MCLE Board)
- Solicitation to amend 54.1-3912: The VSB has sought comments on its proposed engagement in legislative activity, pursuant to Part 6, Section IV, Paragraph 9 (j) of the Rules of the Supreme Court of Virginia, to amend Va. Code § 54.1-3912 in the 2026 General Assembly Session. The proposed amendment aims to amend the statutory maximum for the annual dues paid to the VSB.
- Proposed Amendment to Paragraph 13: The Committee on Lawyer Discipline has proposed an amendment to conform Paragraph 13 of the Rules of Court with Va. Code § 54.1-3935.A. by adding a specific mechanism for Bar Counsel to elect a three-judge circuit court for each type of disciplinary proceeding. The amendments propose the equivalent mechanisms and deadlines already in place for respondents.
- Proposed Amendment to RPC 1.9: The VSB Ethics Committee has proposed an amendment to Rule 1.9(c) that would permit a lawyer to use information gained in the course of the representation of a former client to the disadvantage of that former client if the information is limited to criminal history information that is available from external records in a law enforcement database or court records.
- Proposed LEO 1901: The VSB Ethics Committee has proposed an opinion that discusses the reasonableness of fees when a lawyer uses time-saving tools that rely on generative AI. Acknowledging that hourly fees can only be based on the actual time spent on a task, the proposed opinion discusses other factors in Rule 1.5(a) that support value-based billing on a non-hourly basis for work done efficiently with the use of generative AI.
- Proposed Amendment to the VSB Bylaws: The proposed amendments change the references to the four Virginia State Bar conferences, the Conference of Local and Specialty Bar Associations, the Diversity Conference, the Senior Lawyers Conference, and the Young Lawyers Conference, to their designated section names, effective July 1, 2025. The proposed changes would align the Bylaws with the July 1, 2025 amendments to Part Six, Section IV, Paragraph 5 of the Rules of the Supreme Court of Virginia.

- There are immediate volunteer vacancies to be filled. Please visit the VSB [website](#) (homepage → Lawyers → Volunteer Bar Service Opportunities → click “List of Vacancies”) for the most up-to-date list of vacancies and more information on how to apply.

### **VIII. VSB personnel changes**

Since the last Council meeting, one anticipated retirement was realized and three staff members resigned.

- After decades with the VSB, Bar Programs & Engagement Meetings Coordinator Dolly Shaffner retired effective March 28th.
- After more than ten years with the VSB, Deputy Communications Director and Editor of Virginia Lawyer Dee Norman resigned at the end of March.
- Assistant Ethics Counsel Dorian Dalton resigned effective April 9, 2025.
- Regulatory Compliance Analyst Malik Glaspie enlisted in the U.S. Air Force and his last day in the office was May 16, 2025.

### **IX. Upcoming VSB events**

#### **May 2025**

May 26 | Memorial Day, Office Closed

#### **June 2025**

Jun 11 | 2025 VSB Annual Meeting, Virginia Beach  
Jun 11 | Executive Committee Meeting, Virginia Beach  
Jun 11 | VSB Council Reception and Dinner, Virginia Beach  
Jun 12 | Harry L. Carrico Professionalism Course, Virginia Beach  
Jun 12 | VSB Council Meeting, Virginia Beach  
Jun 13 | CLSBA Annual Meeting, Virginia Beach  
Jun 13 | Business Law Section Annual Meeting, Virginia Beach  
Jun 13 | Construction Law Section Members' Meeting & Lunch, Virginia Beach  
Jun 13 | General Practice Section Annual Meeting, Virginia Beach  
Jun 19 | Juneteenth, Office Closed  
Jun 25 | Taxation Section Board Meeting, Virtual  
Jun 26 | Disciplinary Board, Annual Chair's Meeting Richmond  
Jun 27 | Disciplinary Board Hearings, Varied

#### **July 2025**

Jul 04 | Independence Day, Office Closed  
Jul 06 | Oliver Hill/Samuel Tucker Pre-Law Institute, Richmond  
Jul 22 | Professionalism Committee Meeting Richmond  
Jul 31 | 2025 VSB Disciplinary Conference, Glen Allen

#### **August 2025**

Aug 14 | Harry L. Carrico Professionalism Course Fairfax

Aug 22 | Disciplinary Board Hearings, Varied

**September 2025**

Sep 01 | Labor Day Office Closed

Sep 03 | Harry L. Carrico Professionalism Course, Richmond

Sep 05 | Advanced Business Law Conference, Williamsburg

Sep 11 | Lawyer Insurance Committee Meeting, Richmond

Sep 17 | Executive Committee Meeting, Richmond

Sep 26 | Disciplinary Board Hearings, Varied

Sep 26 | Leroy R. Hassell Sr. Indigent Criminal Defense Seminar, Multiple Locations

**October 2025**

Oct 13 | Columbus Day and Yorktown Victory Day, Office Closed

Oct 23 | VSB Executive Committee Meeting, Roanoke

Oct 23 | VSB Council Reception and Dinner, Roanoke

Oct 24 | Disciplinary Board Hearings, Varied

Oct 24 | VSB Council Meeting, Roanoke

# TAB 3



# Virginia State Bar

1111 E. Main Street, Suite 700  
Richmond, Virginia 23219-0026  
Telephone: (804) 775-0500

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**To:** Virginia State Bar Executive Committee and Council

**From:** Crystal T. Hendrick, Finance/Procurement Director

**Date:** May 14, 2025

**Re:** Financial Report as of April 30, 2025

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The April 2025 financial report is attached for your review. The revenue detail is on page 3. As of April 30, 2025, we collected approximately \$13.6 million. The total collected for bar dues, the largest source of revenue, was approximately \$9.9 million.

The expenditure data is summarized in pages 5 and 6. As of April 30, 2025, total expenditures were approximately \$12.2 million.

The Administration and Finance Account is reflected on pages 7 and 8. This account manages the receipts and expenses for the annual meeting. The cash balance as of April 30, 2025 was approximately \$213,000.

The Clients' Protection Fund (CPF) is reflected on pages 9 and 10. The CPF board makes monetary awards to people who have suffered financial losses because of the dishonest conduct of Virginia lawyers. As of April 30, 2025, the fund balance was approximately \$10.2 million.

The long-range projections as of April 30, 2025, follow this memo. The report is used as a planning tool to project future revenue, expenditures, and cash balances.

Please contact me if you have questions concerning the financial data. I can be reached at (804) 775-0523 or [hendrick@vsb.org](mailto:hendrick@vsb.org).

Attached: Long-Range Projections  
April 2025 Financial Report

**VIRGINIA STATE BAR  
LONG RANGE PROJECTIONS  
OPERATING PLAN SUMMARY  
AS OF APRIL 30, 2025**

**FY 2025 and FY 2026 3% Salary Increase - FY 2028 and FY 2029 2% Salary Increase  
No Dues Increase**

<b>As of the end of FY:</b>	<b>2021 ACTUAL</b>	<b>2022 ACTUAL</b>	<b>2023 ACTUAL</b>	<b>2024 ACTUAL</b>	<b>2025 PROJECT. (4)</b>	<b>2026 PROJECT. (5)</b>	<b>2027 PROJECT.</b>	<b>2028 PROJECT. (6)</b>	<b>2029 PROJECT. (7)</b>	<b>2030 PROJECT.</b>
Operating Revenue (1)	13,220,617	13,778,275	13,705,753	13,608,130	13,845,000	13,840,000	13,844,000	13,840,000	13,844,000	13,840,000
Less: Operating Expenditures (1)	12,265,449	12,846,137	14,512,629	14,456,486	14,635,000	14,965,000	14,985,000	15,165,000	15,345,000	15,365,000
Contributions To/(From) Operating Reserve	955,168	932,138	(806,876)	(848,356)	(790,000)	(1,125,000)	(1,141,000)	(1,325,000)	(1,501,000)	(1,525,000)
Add: Beginning Operating Reserve Balance	6,055,154	7,010,322	7,942,460	7,135,584	6,287,228	5,497,228	4,372,228	3,231,228	1,906,228	405,228
Ending Operating Reserve Balance (2)	7,010,322	7,942,460	7,135,584	6,287,228	5,497,228	4,372,228	3,231,228	1,906,228	405,228	(1,119,772)
Ending A&F Reserve Balance	214,174	269,318	268,054	252,563	250,000	250,000	250,000	250,000	250,000	250,000
Total Reserve Balance	7,224,496	8,211,778	7,403,638	6,539,791	5,747,228	4,622,228	3,481,228	2,156,228	655,228	(869,772)
Reserve as a % of the preceding year's Operating Expenditures (3)	58.90%	63.92%	51.02%	45.24%	39.27%	30.89%	23.23%	14.22%	4.27%	-5.66%

**NOTES:**

- Note 1: The Clients' Protection Fund assessment collected pursuant to Paragraph 16 of the Rules of the Supreme Court regarding Organization & Government of the VSB has been deducted from both the Operating Revenue and Operating Expenditures. The net impact is \$0.  
Attorney Wellness revenue is a revenue reduction when transferred to the Supreme Court of Virginia. The net impact is \$0.  
The Operating Revenue and Operating Expenditures are based on anticipated actual results and may not agree with budgeted totals.
- Note 2: The total Operating Reserve balance as of 6/30/2024 includes the Professionalism Course Reserve of \$229,253.
- Note 3: Paragraph 11 of the Rules of the Supreme Court regarding Organization & Government of the VSB provides that "No increase in the annual dues above \$250 for active and \$125 for associate members will be authorized by the Court whenever the total combined cash balances of the State Bar Fund and the VSB A&F Account shall exceed 15% of the total annual operating expenditures of the bar for the year preceding the year in which the dues increase is sought."
- Note 4: FY 2025 revenue increase - MCLE fee increase \$275,000. FY 2025 expenditure increase - 3% staff salary increase, 1.5% bonus, rent decrease \$247,500, office renovation \$80,000.
- Note 5: FY 2026 expenditure increase - 3% staff salary increase.
- Note 6: FY 2028 expenditure increase - 2% staff salary increase.
- Note 7: FY 2029 expenditure increase - 2% staff salary increase.



Report ID: VGLR001

Commonwealth of Virginia  
CARDINAL TRIAL BALANCE REPORT

Run Date: 05/06/2025  
Run Time: 12:41 00

Page No. 1 of 2

Business Unit : 11700 Virginia State Bar  
Fiscal Year : 2025 Accounting Period : 10  
Account Details : Summary Ledger Selection : ACTUALS  
ChartField Selection : By BU,Fund Adj. Period :

<u>Business Unit</u>	<u>Fund Code</u>	<u>Account</u>	<u>Description</u>	<u>Beginning Balance</u>	<u>Net Activity</u>	<u>Ending Balance</u>
11700	09117	101010	Cash With The Treasurer Of VA	8,292,561.68	(438,879.57)	7,853,682.11
		131030	Petty Cash Advances	0.00	0.00	0.00
<b>Asset Total :</b>				<b>8,292,561.68</b>	<b>(438,879.57)</b>	<b>7,853,682.11</b>
		205025	Accts Payable-AP/EX Accruals	(65,685.73)	(51,888.91)	(117,574.64)
		22051404	Pay Susp-DOA Admin Fee	0.00	0.00	0.00
		22051406	Pay Susp-CoVA Care	0.00	0.00	0.00
		22051407	Pay Susp-CoVA Health Aware	0.00	0.00	0.00
		22051408	Pay Susp-CoVA High Ded	0.00	0.00	0.00
		22051424	Pay Susp-VRS Contributions	0.00	0.00	0.00
		22051426	Pay Susp-HlthCare Prem Reward	0.00	0.00	0.00
		22051427	Pay Susp-Group Life-VRS	0.00	0.00	0.00
		22051428	Pay Susp-VSDP/LTD-VRS	0.00	0.00	0.00
		22051429	Pay Susp-RetireeHlthCred-VRS	0.00	0.00	0.00
		22051442	Pay Susp-CVC Deductions	0.00	108.50	108.50
		22051443	Pay Susp-Optional Group Life	0.00	1,045.32	1,045.32
		22051444	Pay Susp-3rd Party Admin	0.00	67.05	67.05
		22051446	Pay Susp-Deferred Comp	0.00	0.00	0.00
		22051447	Pay Susp-Hybrid Retirement	0.00	0.00	0.00
		22051448	Pay Susp-VRS Hybrid MDB Retire	0.00	0.00	0.00
		22051450	Pay Susp-Agy Parking	0.00	0.00	0.00
		22051454	Pay Susp-Flex Reimb Dependent	0.00	0.00	0.00
		22051455	Pay Susp-Flex Reimb Medical	0.00	0.00	0.00
		22051456	Pay Susp-Flex Reimb Admin	0.00	0.00	0.00
		22051461	Pay Susp-Deferred Comp EE	0.00	0.00	0.00
		22051462	Pay Susp-Hybrid Retire EE	0.00	0.00	0.00
		22055803	Pay Susp VA State Tax	0.00	0.00	0.00
		2402101	Def Rev-Businss/Professnal Lic	0.00	0.00	0.00
		2402433	Def Rev-Client Protectn Fd Fee	0.00	0.00	0.00
		2402440	Def Rev-Attorney Wellness Fund	0.00	0.00	0.00
		2402618	Def Rev-Atty Registration Fee	0.00	0.00	0.00
		255470	Susp Acct-Deposit Pend Distrib	(5,000.00)	0.00	(5,000.00)
<b>Liability Total :</b>				<b>(70,685.73)</b>	<b>(50,668.04)</b>	<b>(121,353.77)</b>

<u>Business Unit</u>	<u>Fund Code</u>	<u>Account</u>	<u>Description</u>	<u>Beginning Balance</u>	<u>Net Activity</u>	<u>Ending Balance</u>
Equity Total :		308000	Fund Balance	<u>(6,287,227.89)</u>	<u>0.00</u>	<u>(6,287,227.89)</u>
Revenue Total :			Revenue Accounts	<u>(13,290,704.45)</u>	<u>(332,285.77)</u>	<u>(13,622,990.22)</u>
Expense Total :			Expense Accounts	<u>11,355,936.39</u>	<u>821,833.38</u>	<u>12,177,769.77</u>
Transfers Total :		609830	Cash Transfer Out - Non-GF	<u>120.00</u>	<u>0.00</u>	<u>120.00</u>
Total for Fund :	09117		Dedicated Special Revenue-VSB	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Total for BU :	11700		Virginia State Bar	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>



Report ID: RGL008

Commonwealth of Virginia  
REVENUE STATUS REPORT

Run Date: 05/06/2025  
Run Time: 12:41 00

Page No. 1 of 2

Business Unit: 11700 : Virginia State Bar  
Revenue Budget Ledger: CC\_REVEST  
Fiscal Year: 2025  
Accounting Period To: 10

Bus Unit	Fund	Account	Description	Estimated Revenue	Year to Date Current Year	Year to Date Last Year	Month - 10 Current Year	Month - 10 Last Year
11700	02354	4008123	Legal Aid Filing Fees	0.00	5,499,554.19	4,683,958.01	624,760.00	500,904.05
			Total for Fund 02354	\$ 0.00	\$ 5,499,554.19	\$ 4,683,958.01	\$ 624,760.00	\$ 500,904.05
09117	4002100		Licenses & Permits	0.00	25,500.00	22,800.00	3,150.00	1,950.00
	4002101		Business & Professnal Licenses	387,065.00	343,840.00	353,435.00	545.00	125.00
	4002199		Misc Licenses, Permits & Fees	43,000.00	49,501.61	48,790.50	2,065.00	4,560.00
	4002306		Corp Registered Name Fees	100,000.00	118,050.00	85,150.00	10,750.00	8,200.00
	4002404		Real Estate Sttlmt Agt Reg Fee	22,000.00	15,820.00	13,480.00	1,040.00	800.00
	4002433		Clients Protection Fund Fee	178,250.00	172,790.06	179,712.05	931.80	506.02
	4002440		Attorney Wellness Fund Fee	0.00	900.00	600.00	870.00	960.00
	4002452		Miscellaneous Regulatory Fees	0.00	1,520.00	3,785.00	0.00	190.00
	4002501		Admission Receipts	177,250.00	215,670.00	156,495.00	19,225.00	11,875.00
	4002618		Attorneys Registration Fees	10,009,500.00	9,942,535.00	9,956,890.00	5,500.00	6,750.00
	4005046		Other Business Fees	503,000.00	539,429.99	471,631.01	82,890.36	71,740.87
	4006103		Other Edu Gifts/Grants-Private	0.00	15,000.00	36,000.00	0.00	0.00
	4008000		Fine/Port/Court Fee/Cst/Penlty	110,000.00	62,552.47	113,081.68	4,030.11	8,605.29
	4008316		Pnlty/Past Dues-Attorneys Reg	350,000.00	373,436.50	339,572.50	7,495.00	10,065.00
	4009000		Other Revenue	1,825,000.00	1,571,007.00	1,377,001.00	158,961.00	164,221.00
	4009004		Reg Fees For Workshops/Classes	70,000.00	31,620.00	56,680.00	24,455.00	24,520.00
	4009060		Miscellaneous Revenues	168,180.00	97,038.47	166,207.27	10,377.50	19,012.50
	4009084		Refund-Exp/Misc Disburse Pr Yr	0.00	46,779.12	0.00	0.00	0.00
			Total for Fund 09117	\$ 13,943,245.00	\$ 13,622,990.22	\$ 13,381,311.01	\$ 332,285.77	\$ 334,080.68
09880	4009999		Proceeds From Sale Of Surplus	0.00	0.00	571.08	0.00	0.00
			Total for Fund 09880	\$ 0.00	\$ 0.00	\$ 571.08	\$ 0.00	\$ 0.00
			Total for Business Unit 11700	\$ 13,943,245.00	\$ 19,122,544.41	\$ 18,065,840.10	\$ 957,045.77	\$ 834,984.73

## VIRGINIA STATE BAR

### REVENUE CROSSWALK

<b>Account</b>	<b>Cardinal Description</b>	<b>VSB Description</b>
4002100	Licenses & Permits	Dues – Corporate Counsel Reg
4002101	Business & Professional Licenses	Sections
4002199	Misc Licenses, Permits & Fees	Virginia Lawyer Revenue
4002306	Corp Registered Name Fees	Professional Corporation
4002404	Real Estate Settlement Agt Reg Fee	CRESPA Registration Fees
4002433	Clients Protection Fund Fee	Clients Protection Fund Receipts
4002452	Miscellaneous Regulatory Fees	Dues - Over/Under Payments
4002501	Admission Receipts	Professionalism Course Fees
4002618	Attorney Registration Fees	Dues - Attorney Dues
4003002	State Publication Sales	Pamphlet Sales
4005046	Other Business Fees	Lawyer Referral Revenue
4006103	Other Edu Gifts/Grants-Private	Grants
4008000	Fines/Fort/Court Fee/Cst/Penlty	Cost Assessment
4008316	Pnlty/Past Dues-Attorney Reg	Past & Penalty Dues
4009000	Other Revenue	MCLE Fees
4009004	Reg Fees for Workshops/Classes	A&F Account Receipts
4009060	Miscellaneous Revenue	Seminar & Miscellaneous
4009084	Refund-Exp/Misc Disburse Pr Yr	Expenditure Refunds Prior Year



## Commonwealth of Virginia April 2025 Expenditure Summary

Report ID: RGL035  
Layout ID: VGLR0035  
Period Ending: 2025-06-30

Run Date: May 6, 2025  
Run Time: 12:48:30 PM

Business Unit: 11700 Virginia State Bar

Cost Center	Description	Budget	2025-10	Current Year Expenditures	(Over) Under Budget	% of Budget Remaining
(None)	(None)	0.00	0.00	0.00	0.00	0%
6000	Salaries	10,975,900.00	480,269.65	8,950,830.70	2,025,069.30	18%
6020	Benefits	0.00	9,465.00	88,856.71	(88,856.71)	0%
6040	Wages & Professional Services	0.00	360.00	8,395.30	(8,395.30)	0%
6060	Receiverships	100,000.00	61,380.63	121,722.70	(21,722.70)	(22%)
6080	Dues, Subscriptions & Training	66,600.00	8,498.75	71,625.81	(5,025.81)	(8%)
6100	Rent: Office Space	484,500.00	61,884.38	349,401.89	135,098.11	28%
6103	Grants	0.00	0.00	8,012.77	(8,012.77)	0%
6120	Rent: Office Equipment	13,000.00	1,001.44	9,418.20	3,581.80	28%
6140	Office Supplies	31,775.00	2,353.39	12,048.49	19,726.51	62%
6160	Stationery & Forms	3,200.00	0.00	2,217.80	982.20	31%
6180	Office Furniture & Equipment	10,000.00	0.00	0.00	10,000.00	100%
6200	Staff Travel	134,550.00	6,363.45	48,199.70	86,350.30	64%
6220	Office Insurance	18,150.00	0.00	15,512.00	2,638.00	15%
6240	Repairs and Maintenance	39,010.00	(13,389.97)	12,191.87	26,818.13	69%
6260	Printing & Copying	277,000.00	26,878.96	155,114.16	121,885.84	44%
6280	Postage	186,400.00	23,423.49	143,379.16	43,020.84	23%
6300	Communication Technology	47,000.00	1,002.60	56,323.55	(9,323.55)	(20%)
6320	Advertising	19,000.00	539.94	7,889.48	11,110.52	58%
6340	Other Contractual Services	417,050.00	10,580.13	338,408.86	78,641.14	19%
6350	Office Renovation	250,000.00	39,711.50	79,979.73	170,020.27	68%
6360	Computer Operating	602,500.00	1,575.47	516,951.26	85,548.74	14%
6380	Other Technology Projects	205,000.00	18,014.70	148,783.25	56,216.75	27%
6400	Professionalism Course-Trav	106,000.00	7,170.64	74,451.78	31,548.22	30%
6420	Professionalism Course-Misc	23,000.00	1,878.00	7,538.03	15,461.97	67%
6440	Council, Comm, Boards-Trav	411,775.00	16,337.92	258,165.88	153,609.12	37%
6460	Council, Comm, Boards-Misc	224,110.00	5,259.67	70,538.15	153,571.85	69%
6480	Sections-Trav	155,914.00	13,021.35	75,849.82	80,064.18	51%
6500	Sections-Print	22,076.00	1,678.00	11,630.15	10,445.85	47%
6520	Sections-Comm	15,876.00	0.00	14,097.48	1,778.52	11%
6540	Sections-Other	152,286.00	3,466.97	63,570.38	88,715.62	58%
6560	Senior Lawyers Conf-Trav	11,200.00	369.02	8,512.06	2,687.94	24%

6580	Senior Lawyers Conf-Print	15,100.00	0.00	0.00	15,100.00	100%
6600	Senior Lawyers Conf-Comm	8,900.00	0.00	4,634.99	4,265.01	48%
6620	Senior Lawyers Conf-Misc	12,500.00	14.45	4,370.15	8,129.85	65%
6640	Young Lawyers Conf-Program	64,000.00	8,965.60	52,099.10	11,900.90	19%
6660	Young Lawyers Conf-Print	3,500.00	30.37	463.92	3,036.08	87%
6680	Young Lawyers Conf-Travel	31,700.00	2,024.78	29,338.95	2,361.05	7%
6700	Young Lawyers Conf-Misc	300.00	0.00	0.00	300.00	100%
6702	Diversity Conference - Program	45,450.00	293.79	39,748.28	5,701.72	13%
6704	Diversity Conference - Print	1,500.00	0.00	28.34	1,471.66	98%
6706	Diversity Conference - Travel	10,700.00	7,063.84	10,596.00	104.00	1%
6708	Diversity Conference - Misc	2,400.00	0.00	653.25	1,746.75	73%
6710	CLSBA-Travel	15,700.00	1,482.17	12,009.36	3,690.64	24%
6715	CLSBA-Print	15,000.00	0.00	279.99	14,720.01	98%
6725	CLSBA-Communications	160.00	0.00	0.00	160.00	100%
6730	CLSBA-Other	4,675.00	193.30	1,554.25	3,120.75	67%
6760	Attorney General Costs	50,000.00	0.00	16,312.81	33,687.19	67%
6780	A&F Trans	70,000.00	12,555.00	19,470.00	50,530.00	72%
6800	Clients' Protection Fund Trans	178,250.00	115.00	171,993.26	6,256.74	4%
6820	Online Legal Research	85,000.00	0.00	84,600.00	400.00	0%
	All Cost Centers	<u>\$15,617,707.00</u>	<u>\$821,833.38</u>	<u>\$12,177,769.77</u>	<u>\$3,439,937.23</u>	<u>22%</u>

**VIRGINIA STATE BAR  
ADMINISTRATION & FINANCE ACCOUNT  
AS OF April 30, 2025**

<b>Cash Balance as of July 1, 2024</b>	<b>\$</b>	<b>252,562.87</b>
Year-to-Date Revenue through April 30, 2025		18,887.56
Year-to-Date Expenses through April 30, 2025		(58,782.69)
<b>Cash Balance as of April 30, 2025</b>	<b>\$</b>	<b>212,667.74</b>

<b><u>LEDGER</u></b>		<b><u>BALANCE</u></b> <b><u>4/30/2025</u></b>
Annual Meeting	\$	172,880.68
Midyear Seminar		43,193.64
Council, Committees, etc.		(775.00)
Other		(2,631.58)
<b>Total Ledger Balance</b>	<b>\$</b>	<b>212,667.74</b>

**VIRGINIA STATE BAR  
ADMINISTRATION & FINANCE ACCOUNT  
MONTHLY STATEMENT OF REVENUE & EXPENSES  
FOR APRIL 2025**

	<b>BALANCE 4/1/2025</b>	<b>APRIL 2025 ACTIVITY</b>	<b>BALANCE 4/30/2025</b>
<b>Revenue:</b>			
Annual Meeting	\$ 6,320.00	\$ 12,555.00	\$ 18,875.00
Money Market Account Interest	11.32	1.24	12.56
<b>Total Revenue</b>	<b>6,331.32</b>	<b>12,556.24</b>	<b>18,887.56</b>
<b>Expenses:</b>			
Annual Meeting	55,363.55	0.00	55,363.55
National Meetings and Miscellaneous	0.00	775.00	775.00
Employee Recognition	2,001.25	309.44	2,310.69
Bank Service Charges	295.45	38.00	333.45
Expenses to be Reimbursed	85.00	(85.00)	0.00
<b>Total Expenses</b>	<b>57,745.25</b>	<b>1,037.44</b>	<b>58,782.69</b>
<b>Total Revenue Over/(Under) Expenses</b>	<b>\$ (51,413.93)</b>	<b>\$ 11,518.80</b>	<b>\$ (39,895.13)</b>

**VIRGINIA STATE BAR  
CLIENTS' PROTECTION FUND  
CASH BALANCE  
AS OF APRIL 30, 2025**

<b>Cash Balance as of July 1, 2024</b>	<b>\$ 10,773,558.76</b>
Year-to-Date Revenue through April 30, 2025	266,637.50
Year-to-Date Expenses through April 30, 2025	<u>(843,227.19)</u>
<b>Cash Balance as of April 30, 2025</b>	<b><u><u>\$ 10,196,969.07</u></u></b>
<b>Liability for claims approved but not paid:</b>	<b><u>2,000.00</u></b>
<b>Available Cash Balance as of April 30, 2025:</b>	<b><u><u>\$ 10,194,969.07</u></u></b>

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**Funds Invested/Maintained as Follows:**

Truist Business Checking Account	280,302.41
Federal Home Loan Bank	5,616,666.66
Federal Home Loan Mortgage Corp.	1,500,000.00
Federal National Mortgage Association	0.00
Federal Farm Credit Bank	<u>2,800,000.00</u>
<b>Total Cash and Investments</b>	<b><u><u>\$ 10,196,969.07</u></u></b>

**VIRGINIA STATE BAR  
CLIENTS' PROTECTION FUND  
MONTHLY STATEMENT OF REVENUE & EXPENSES  
FOR APRIL 2025**

	<b>BALANCE 4/1/2025</b>	<b>APR 2025 ACTIVITY</b>	<b>BALANCE 4/30/2025</b>
<b>REVENUE</b>			
<b>INTEREST:</b>			
Investment Interest	\$ 86,157.94	\$ 8,486.30	\$ 94,644.24
<b>REIMBURSEMENT FROM ATTORNEYS:</b>			
AG's Collections	0.00	0.00	0.00
Debt Set-Off Receipts	0.00	0.00	0.00
Individual Restitution	9,238.26	0.00	9,238.26
<b>TRANSFERS:</b>			
CPF Assessment	162,640.00	115.00	162,755.00
<b>Total Revenue:</b>	<b>\$ 258,036.20</b>	<b>\$ 8,601.30</b>	<b>\$ 266,637.50</b>
<b>EXPENSES</b>			
Bank Service Charges	0.00	0.00	0.00
Attorney General's Fees	0.00	0.00	0.00
CPF Board Expenses - Oper. Acct. Reim.	0.00	0.00	0.00
Receivership Reimbursement	11,100.89	0.00	11,100.89
Payments to Clients	672,415.50	159,710.80	832,126.30
<b>Total Expenses:</b>	<b>\$ 683,516.39</b>	<b>\$ 159,710.80</b>	<b>\$ 843,227.19</b>
<b>Total Revenue Over/(Under) Expenses</b>	<b>\$ (425,480.19)</b>	<b>\$ (151,109.50)</b>	<b>\$ (576,589.69)</b>

# TAB 4



# Virginia State Bar

1111 East Main Street Suite 700  
 Richmond, Virginia 23219-0026  
 Telephone: (804) 775-0500

Fax: (804) 775-0501 TDD: (804) 775-0502

To: Virginia State Bar Executive Committee and Council

From: Renu M. Brennan, Bar Counsel

Date: May 16, 2025

## **DISCIPLINARY SYSTEM REPORT**

### **I. Public/Private Discipline (July 1, 2024 to May 9, 2025)<sup>1</sup>**

Public Discipline – 73, two cases are on appeal.	Private Discipline – 30
Diligence/Competence/ Communication – 19	Diligence/Competence/ Communication – 11
Trust Accounting/ Safekeeping Property – 14	Trust Accounting/ Safekeeping Property – 10
Terms Violations – 10	Misconduct – 1
Dishonesty – 8	Confidentiality of Information – 1
Criminal or Deliberately Wrongful Conduct – 6	Communication with Persons Represented by Counsel – 1
Conflict of Interest – 3	Conflict of Interest – 1
UPL – 3	Meritorious Claims and Contention – 1
Fees – 2	Fees - 1
Fairness to Opposing Party and Counsel – 2	Fairness to Opposing Party and Counsel, Candor Towards Tribunal – 1
Bar Admission and Disciplinary Matters – 2	Bar Admission and Disciplinary Matters – 1
Additional Responsibilities of a Prosecutor – 1	Professional Independence of a Lawyer - 1
Judicial Official – 1	
Scope of Representation – 1	
Reciprocal – 1	

<sup>1</sup> This chart represents each instance of public discipline issued by a Memorandum or Summary Order and each private admonition or reprimand within FY 2025.

## II. Docket Statistics (May 12, 2025)

### Total Open Cases/Cases at Preliminary Investigation and Subcommittee Level:

- **Total open cases are at 249.** The range for the prior 5 years was between 246 (2024) and 362 (2020).
- **There are 3 prior fiscal year cases.** The range for the prior 5 years was between 1 (2022, 2023, and 2024) and 7 (2020 and 2021).
- **Cases over 365 days are at 8.** The range for the prior 5 years was between 6 (2024) and 38 (2020).
- **Preliminary Investigation and District Committee cases are at 129, down 25 from last year at this time, a five-year low.** The range for the prior 5 years was between 154 (2024) and 299 (2020).
- **District Committee cases over 180 days are at 49.** The range for the prior 5 years was between 42 (2024) and 81 (2023).
- **Cases awaiting report by bar counsel are at 9.** The range for the prior 5 years was between 8 (2024) and 29 (2020).
- **Cases awaiting report by investigator are at 25.** The range for the prior 5 years was between 24 (2024) and 51 (2023).
- **There are 15 cases awaiting meeting by subcommittee, a five-year high.** The range for the previous 5 years was between 1 (2022) and 10 (2020 and 2024).
- **Cases awaiting Certification and Charges of Misconduct are at 4 and 0 respectively.** The range for cases awaiting Certification for the past 5 years was between 3 (2022) and 12 (2023), and the range for Charges of Misconduct was between 0 (2022 and 2023) and 2 (2020).

### III. **Trials, Sanctions, Agreed Dispositions, Consents to Revocation, and Impairments:**

- **We have 50 cases to be tried (45 Disciplinary Board/Circuit Court and 5 District Committee).** The range for the prior 5 years was between 28 (2022) and 53 (2020).
- **We have held 40 trials this year to date, a five-year high.** The range for the prior 5 years was between 23 (2023) and 37 (2024).
- **Subcommittees have issued 56 sanctions year to date.** The range for the prior 5 years was between 51 (2021) and 66 (2024).
- **We have entered into 66 agreed dispositions year to date.** The range for the prior 5 years was between 50 (2020) and 77 (2021).
- **We have entered into 4 consents to revocation year to date.** The range for the prior 5 years was between 6 (2023) and 22 (2022).
- **We have closed 14 impairments year to date.** The range for the prior 5 years was between 4 (2020) and 14 (2024).

### IV. **Intake Report as of April 30, 2025 – James C. Bodie, Intake Counsel**

The bar received 2,746 bar complaints between July 1, 2024 and April 30, 2025. During the same period in FY 2024, the bar received 2,477 complaints. FY 2025 to date has a 9.8% increase in complaints over FY 2024.

### V. **Overview of Cases Under Investigation – Michael Schuler, Chief Investigator**

- 85 active investigations, including:
  - 15 family law matters,
  - 15 criminal defense matters,

- 8 estate planning matters,
  - 8 personal injury matters,
  - 4 real estate matters, and
  - 4 immigration matters.
- 
- 213 ROIs FY 2025 to date (07/01/2024-05/14/2025)
  - 188 ROIs FY 2024 in same period (07/01/2023-05/14/2024)

## **VI. Matters Before the Supreme Court of Virginia and Court of Appeals of Virginia**

### **Appeals Before the Supreme Court of Virginia**

#### ***Jason Eugene Swango v. Virginia State Bar Ex Rel. Second District, Section I Committee***

Oral arguments are set for June 4 in Jason Swango's appeal of a three-judge circuit court's order of a public reprimand with terms effective August 27, 2024. The three-judge circuit court found that Swango violated Rules 1.5 Fees and 1.15 Safekeeping Property of the Rules of Professional Conduct. Deputy Solicitor Kevin Gallagher and Assistant Solicitor General Meredith Baker represent the bar in this appeal.

#### ***Bradley Glenn Pollack v. Virginia State Bar Ex Rel. Seventh District Committee***

On January 17, 2025, Bradley Pollack noted an appeal of a three-judge circuit court's order revoking his license to practice law in the Commonwealth of Virginia. The three-judge circuit court found that Pollack violated Rules 3.3(a)(1) Candor Towards the Tribunal, 4.1(a) Truthfulness in Statements to Others, and 8.4(b) Misconduct. Assistant Attorneys General Cooper Vaughn and Robert Claiborne represent the bar in this appeal. Briefs have been filed.

## **Writs of Prohibition and Mandamus**

### ***Louis B. Antonacci v. Renu Brennan and the Virginia State Bar*** **Record No. 250106**

On February 7, 2025, Louis B. Antonacci filed a Verified Petition for Writs of Prohibition and Mandamus seeking to enjoin a disciplinary proceeding against him. On February 28, 2025, Assistants Attorney General Erin McNeil and Bridget Ambrosio filed a Demurrer and Motion to Dismiss Antonacci's Petitions. On March 12, 2025, Antonacci filed an Opposition to the Demurrer and Motion to Dismiss and a Cross-Motion to Amend his Petition in the event the Supreme Court of Virginia grants the bar's Demurrer. The matters are pending.

## **Petition for Review of Denial of Preliminary Injunction**

### ***Louis B. Antonacci v. Virginia State Bar*** **Record No. 250235**

On March 6, 2025, Antonacci filed with Alexandria Circuit Court a Verified Emergency Petition for Preliminary Injunction to stay disciplinary proceedings in the Alexandria Circuit Court. By Order entered on March 7, 2025, the Alexandria Circuit Court entered the Virginia State Bar's Rule to Show Cause against Respondent for the alleged disciplinary violations and directed Respondent to appear on June 11 and 12, 2025 for the disciplinary proceedings. On March 12, 2025, Antonacci filed an Affidavit with the Alexandria Circuit Court, concerning the denial of his Verified Emergency Petition for Preliminary Injunction. On March 21, 2025, Antonacci filed a Petition for Review of Denial Preliminary of Injunction. On April 17, 2025, the Supreme Court of Virginia affirmed the Alexandria Circuit Court's denial of Antonacci's Verified Emergency Petition for Preliminary Injunction.

## **Appeal before the Court of Appeals of Virginia**

### ***Justin Lee Criner v. Virginia State Bar*** **Record No. 0710252**

On April 8, 2025, Justin Criner's license was revoked by consent. On April 11, 2025, the bar filed a petition in the Chesterfield Circuit Court to appoint a receiver for Criner's practice, the Beale Law Firm. On April 11, the court entered an order appointing a receiver. Criner filed a Motion to Stay Appointment Pending Appeal and an appeal of the order appointing a receiver. Assistant Attorneys General Erin McNeill and Chris Bernhardt represent the bar.

## **VII. Federal Lawsuit**

### ***Phillip Leiser v. Renu M. Brennan***

Phillip B. Leiser has filed a federal lawsuit in the Eastern District of Alexandria against Chief Justice Goodwyn and me in our official capacities. Leiser seeks both (1) a declaratory judgment that Virginia Rules of Professional Conduct 8.2 Judicial Officials is unconstitutional on its face, or as applied to Leiser and (2) decrees granting preliminary and permanent injunctive relief against the prosecution or enforcement of Rule 8.2 and costs. On April 18, 2025, Assistant Attorney General Cooper Vaughn filed a Motion to Dismiss the Complaint. On May 9, 2025, Leiser filed an amended complaint.

## **VIII. Proposed Amendments to Disciplinary Procedure**

On May 14, 2025, the Standing Committee on Lawyer Discipline (COLD) unanimously approved [proposed amendments to Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia](#). These proposed amendments will go before the Executive Committee and Council on June 11 and 12.

The proposed amendments:

1. Conform Paragraph 13 to Va. Code § 54.1-3935.A. to provide Bar Counsel with a mechanism to demand a three-judge circuit court in disciplinary hearings. The amendments place the same deadlines and limitations on respondents and Bar Counsel.
2. Clarify that a three-judge circuit court sitting in lieu of a district committee may suspend or revoke an attorney's license. The maximum sanction a district committee can impose is a public reprimand.
3. Eliminate restrictions on imposition of terms to suspensions of one-year or less and conform the disciplinary board and district committee procedures regarding request for and consideration of a respondent's disciplinary record.

## **IX. Proposed Rules of Professional Conduct:**

[Rule 1.5\(g\) Nonrefundable Legal Fees.](#)

[Rule 6.5 Nonprofit and Court-Annexed Limited Legal Services Programs.](#)

Effective July 15, 2025, the Supreme Court of Virginia approved Rules 1.5.(g) and 6.5.

[Rule Part 6, § I, Paragraph 3 \(O\)](#)

On March 20, 2025, the Legal Ethics Committee approved amendments to Part 6, § I of the Rules of Court, Unauthorized Practice Rules. These proposed amendments will be presented to Council in June.

Posted for public comment on March 27, 2025: [Rule 1.5\(d\) Fees,](#) [Rule 1.9 Conflict of Interest: Former Client,](#) and [Proposed Legal Ethics Opinion \(LEO\) 1901.](#)

On May 15, 2025, the Legal Ethics Committee reviewed the public comments to Rules 1.5(d), 1.9, and proposed LEO 1901.

## **X. Unauthorized Practice of Law (UPL)**

As of May 9, 2025, there are seven (7) open cases: five (5) is in the preliminary stage, one (1) is out for investigation, and one (1) is in the final stage.

There are currently fifteen (15) matters under review.

## **XI. Receiverships**

As of May 8, 2025, there are 14 open receiverships:

**Sheehy, III** (01/27/2022 and 11/18/2024)<sup>2</sup>; **Beale** (09/07/2022); **Bell** (02/07/2023); **Shapiro** (03/09/2023); **Rowan** (07/25/2023 and 01/26/2024); **Biss** (09/20/2023); **Ward** (02/14/2024); **Thomas** (07/01/2024); **McLaughlin, III** (06/24/2024); **McCreedy** (12/12/2024); **Dougherty** (01/23/2025); **Park** (02/05/2025); **Tyson** (02/07/2025); **Criner** (04/11/2025)

The receivership budget for FY 2025 is \$200,000. As of May 1, 2025, the VSB paid \$136,636.01 in receivership costs and received \$65,192.43 for a net \$71,443.58 for FY 2025.

### **Attachments:**

Statistics – Five Year Comparison and Six-Month Comparison

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<sup>2</sup> Entry date of the Order Appointing Receiver.

<b>STATISTICS – FIVE-YEAR COMPARISON</b>						
<b>Docket Period Ending→</b>	<b>4/30/25</b>	<b>4/30/24</b>	<b>4/30/23</b>	<b>4/30/22</b>	<b>4/30/21</b>	<b>4/10/20</b>
Total Open Cases	249	246	269	252	321	361
<b>DISTRICT COMMITTEE CASES OVER 180 DAYS</b>						
Cases Awaiting Report by Investigator	25	24	51	37	31	39
Cases Awaiting Report by Bar Counsel!	9	8	25	26	25	29
Cases Awaiting Meeting by Subcommittee*!	15	10	5	1	8	10
<b>Total</b>	<b>49</b>	<b>42</b>	<b>81</b>	<b>64</b>	<b>64</b>	<b>78</b>
<b>PRELIMINARY INVESTIGATIONS &amp; DC CASES</b>						
Preliminary Investigation Cases	39	27	40	48	84	107
District Committee Cases	90	127	175	162	190	192
<b>Total</b>	<b>129</b>	<b>154</b>	<b>215</b>	<b>210</b>	<b>234</b>	<b>299</b>
<b>SANCTIONS ISSUED BY DISTRICT COMMITTEE SUBCOMMITTEES Y-T-D</b>						
<b>Total</b>	<b>56</b>	<b>66</b>	<b>59</b>	<b>59</b>	<b>51</b>	<b>58</b>
<b>DC CASES AWAITING CERTIFICATION TO DB TO BE WRITTEN BY BAR COUNSEL</b>						
<b>Total</b>	<b>4</b>	<b>8</b>	<b>12</b>	<b>3</b>	<b>5</b>	<b>7</b>
<b>DC CASES AWAITING CHARGE OF MISCONDUCT TO BE WRITTEN BY BAR COUNSEL</b>						
<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>
<b>CASES TO BE TRIED (DC:</b>						
District Committee	5	8	2	1	2	2
Disciplinary Board / Circuit Court	45	31	41	27	40	51
<b>Total</b>	<b>50</b>	<b>39</b>	<b>43</b>	<b>28</b>	<b>42</b>	<b>53</b>
<b>CONSENTS TO REVOCATION Y-T-D</b>						
<b>Total</b>	<b>8</b>	<b>11</b>	<b>6</b>	<b>22</b>	<b>11</b>	<b>18</b>
<b>TRIALS HELD Y-T-D</b>						
District Committee	2	4	0	0	1	1
Disciplinary Board / Circuit Court	38	33	23	24	29	27
<b>Total</b>	<b>40</b>	<b>37</b>	<b>23</b>	<b>24</b>	<b>30</b>	<b>28</b>
<b>AGREED DISPOSITIONS Y-T-D</b>						
District Committee	49	52	34	37	37	24
Disciplinary Board / Circuit Court	17	14	20	22	40	26
<b>Total</b>	<b>66</b>	<b>66</b>	<b>54</b>	<b>59</b>	<b>77</b>	<b>50</b>
<b>CLOSED IMPAIRMENTS Y-T-D</b>						
<b>Total</b>	<b>14</b>	<b>14</b>	<b>13</b>	<b>6</b>	<b>6</b>	<b>4</b>

**STATISTICS – SIX-MONTH  
COMPARISON**

<b>Docket Period Ending→</b>	<b>4/30/25</b>	<b>3/31/25</b>	<b>2/28/25</b>	<b>1/31/25</b>	<b>12/31/24</b>	<b>11/30/24</b>
Total Open Cases	249	261	257	252	241	245
<b>DISTRICT COMMITTEE CASES OVER 180 DAYS</b>						
Cases Awaiting Report by Investigator	25	24	28	26	29	24
Cases Awaiting Report by Bar Counsel !	9	9	11	7	8	10
Cases Awaiting Meeting by Subcommittee *!	15	13	16	6	7	12
<b>Total</b>	<b>49</b>	<b>46</b>	<b>55</b>	<b>39</b>	<b>44</b>	<b>46</b>
<b>PRELIMINARY INVESTIGATIONS &amp; DC CASES</b>						
Preliminary Investigation Cases	39	52	33	59	42	42
District Committee Cases	90	88	92	100	97	95
<b>Total</b>	<b>129</b>	<b>140</b>	<b>125</b>	<b>159</b>	<b>139</b>	<b>137</b>
<b>SANCTIONS ISSUED BY DISTRICT COMMITTEE SUBCOMMITTEES Y-T-D</b>						
<b>Total</b>	<b>56</b>	<b>50</b>	<b>46</b>	<b>43</b>	<b>34</b>	<b>32</b>
<b>DC CASES AWAITING CERTIFICATION TO DB TO BE WRITTEN BY BAR COUNSEL</b>						
<b>Total</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>7</b>	<b>1</b>
<b>DC CASES AWAITING CHARGE OF MISCONDUCT TO BE WRITTEN BY BAR COUNSEL</b>						
<b>Total</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CASES TO BE TRIED (DC:</b>						
District Committee	5	2	2	2	2	2
Disciplinary Board/Circuit Court	45	44	35	30	32	34
<b>Total</b>	<b>50</b>	<b>46</b>	<b>37</b>	<b>32</b>	<b>34</b>	<b>36</b>
<b>CONSENTS TO REVOCATION Y-T-D</b>						
<b>Total</b>	<b>8</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>TRIALS HELD Y-T-D</b>						
District Committee	2	2	2	1	1	1
Disciplinary Board/Circuit Court	38	36	31	24	21	19
<b>Total</b>	<b>40</b>	<b>38</b>	<b>33</b>	<b>25</b>	<b>22</b>	<b>20</b>
<b>AGREED DISPOSITIONS Y-T-D</b>						
District Committee	49	40	38	33	28	24
Disciplinary Board/Circuit Court	17	16	13	13	9	7
<b>Total</b>	<b>66</b>	<b>56</b>	<b>51</b>	<b>46</b>	<b>37</b>	<b>31</b>
<b>CLOSED IMPAIRMENTS Y-T-D</b>						
<b>Total</b>	<b>14</b>	<b>13</b>	<b>12</b>	<b>10</b>	<b>5</b>	<b>4</b>

# TAB 5

VIRGINIA STATE BAR  
Report of the Conference of Local and Specialty Bar Associations  
as of May 13, 2025

The Conference of Local and Specialty Bar Associations (CLSBA) Executive Committee is wrapping up another busy year in fulfilling its missions of establishing and maintaining a mutually beneficial working relationship between the Virginia State Bar ("VSB") and local and specialty bar associations, establishing and maintaining lines of communication between the local and specialty bar associations and the VSB on issues and information affecting the legal profession, coordinating and fostering cooperation between the VSB and local and specialty bar associations in improving the practice of law in Virginia and enhancing the public understanding and appreciation of law and the legal profession and presenting high-quality educational programs for local and specialty bar associations.

Since the last Bar Council on March 1, 2025, the CLSBA presented the Bar Leader's Institute Program in Richmond, Virginia on March 7, 2025, at the Virginia Museum of History & Culture. Justice Kelsey was the keynote speaker who presented an excellent review of the use of AI in the legal profession, as well as ten panels on various topics relevant to bar leadership. This past year, additional CLE credits were given for the BLI. Those who attended the entire program earned 7.0 CLE credits, including 1.50 Ethics credit and 1.50 Wellness credit.

On April 8, 2025, the CLSBA presented its third Solo & Small-Firm Practitioner Forums at the DoubleTree Hotel in Charlottesville Virginia. As you may recall, the Solo and Small Firm Practitioner Forums are held in conjunction with and by direction, of the Supreme Court of Virginia. They offer free practice management CLE programming to areas outside of the more densely populated jurisdictions. The Solo & Small Firm Practitioner Forums are free to all and participation is open to all licensed attorneys. In Charlottesville, we were honored to have Chief Judge Marla Decker from the Virginia Court of Appeals join us for our Town Hall Meeting. Chief Judge Decker provided excellent insight and information regarding the expanded jurisdiction of the Court of Appeals and even volunteered to stay through the lunch hour to further discuss and answer any questions regarding the Court. One hundred twenty-one (121) attorneys attended the Solo and Small Firm Practitioner's Forum in Charlottesville and each participant accrued 5 hours of free LIVE CLE credit, including 4 Ethics and 1 Wellness credit.

We do have the dates for next year's Solo & Small-Firm Practitioner Forums (SSF) for Fiscal Year 2025-26 are being planned.

SSF – September 19, 2025 – Warsaw, VA  
SSF – October 17, 2025 – Clifton Forge, VA  
SSF – May 15, 2026 – Culpeper VA

Please mark your calendars and pass these dates on to your local jurisdictions. More panel information will become available later in the summer.

We are still working on the specifics of the Bar Leaders Institute. The date and location of that program may be changed next year. Additional information will be provided as soon as it becomes available.

We are always open to suggestions for any topics and speaker ideas for the BLI and Solo programs. Please contact any member of the CLSBA Board or reach out to Nancy Donner ([ndonner@vsb.org](mailto:ndonner@vsb.org)) with your suggestions.

As chair of the Virginia State Bar Conference of Local and Specialty Bar Associations, I invite and encourage all of you to attend our Annual Meeting and Breakfast on Friday, June 13, 2025, at 7:30 a.m., at the Hilton Garden Inn, Virginia Beach. As always, we will be presenting our annual awards at breakfast which include:

1. Awards of Merit
  - a. Charlottesville Albemarle Bar Association – *Volunteer Lawyer Program*
  - b. Richmond Bar Association – *Richmond Bar Summer Associate Program*
  - c. Roanoke Bar Association – *Roanoke Bar Association Centennial Community Project*
  - d. Loudoun Chapter of the Virginia Women Attorneys Association – *VWAA Good Walks*
2. Local Bar Leader of the Year – *Lori J. Bentley* of Roanoke, Virginia.
3. Bar Association of the Year – *Newport News Bar Association*

The *So You're 18* handbook continues to be available for distribution to schools, J&DR Courts, departments of social services, election registrars, juvenile detention centers, and other groups/organizations as requested. I want to remind everyone that this information is also available [online](#). Please contact Nancy Donner at (804) 775-0519 or [ndonner@vsb.org](mailto:ndonner@vsb.org) if you would like to order copies or have questions about this program.

Finally, as you all know, pursuant to the April 16, 2025, Order of the Virginia Supreme Court all conferences will now be converted to sections as of July 1, 2025. Obviously, this creates a significant change in how the new Section of Local and Specialty Bar Associations will be moving forward because, unlike the other conferences, our “members” are not individual attorneys but rather bar associations. While our budget for the 2025 – 2026 fiscal year has already been approved and will not change, we will have to begin collecting some form of dues or funding for the 2026 – 2027 fiscal year. To plan for this restructuring our conference will conduct an in-depth review of the services this new section will provide to member bar associations. One project we will be working on is a detailed survey that will be sent to each local and specialty bar association to get further feedback about their needs and what services they would like to see from the Virginia State Bar. Please engage in conversations on this issue with the local and

specialty bar associations in your respective circuits. Also, please ask your local and specialty bar associations to reach out to any of our board members and invite them to come and speak at bar meetings on this topic. Nancy Donner can provide you with contact information. In addition, Nancy is available to the local and specialty bars to help with things like program ideas (for both attorneys and communities), governance, and other various topics.

In conclusion, the CLSBA board looks forward to continuing to provide for and serve the needs of Virginia's local and specialty bar associations and all the wonderful Virginia attorneys served by those bar associations. And in closing, I want to thank Nancy Donner, our VSB liaison, for all her hard work and for providing invaluable assistance and organization to our board and to all the local and specialty bar associations this past year. Nancy has done an excellent job, and we look forward to working together again next year.

# TAB 6

**VIRGINIA STATE BAR**  
**REPORT OF THE DIVERSITY CONFERENCE CHAIR**

**Zaida Cordero Thompson**

**May 20, 2025**

The Diversity Conference Board of Governors held their fourth meeting for fiscal year 2024-2025 on April 3, 2025 at the Virginia Union University.

The Fifth Annual **Forum on Diversity and Inclusion in the Legal Profession** was held on April 4, 2025 at the Virginia Union University. Thanks to everyone who made the program a success and special thank you to Candace Blydenburgh (Chair), Tammie Currie (Co-Chair), Nancy Donner (VSB- Liaison), and our engaging panelists for their work and commitment to the mission of the Virginia State Bar, Diversity Conference. The topics included:

- Forging Pathways for the Betterment of the Legal Practice
- Practicing in VA with AI
- Practicing Law with Stressors and Protecting Our Mental Health
- Emotional Intelligence in the Legal Industry
- Diversity, Equity, Inclusion, Civil Rights, and the Constitution—  
Yesterday, Today and Tomorrow

A continental breakfast and lunch was provided. Also, a reception was held at the conclusion of the Forum.

In terms of Diversity Conference's **Nominating Committee**, Candace Blydenburgh is rotating off of the Board of Governors. Further, Judge Taylor-Sinclair, Courtney Frazier and Latoya Chantal Asia have resigned from the Board of Governors at the end of their first term. We are so grateful for their years of active support, hard work and promotion of greater inclusion and equity within the bar.

In addition, the **Nominating Committee** recommended the following individuals be appointed/elected to the Board of Governors beginning June 13, 2025.

- Brian Goodman
- Christianne Quiroz
- Hon. Jane Reynolds, Honorary Member
- Terrance Reshay Robinson
- Faith Redd Walker, Lay Member

The slate of incoming officers for 2025-2026 is as follows:

- Chair Debra Lynn Powers
- Chair-Elect Brian Buniva
- Treasurer Brian Thornton Wesley
- Secretary Rex Flynn
- Immediate Past Chair Zaida Cordero Thompson

Finally, Eva Juncker will be receiving the Clarence M. Dunnville, Jr. Award at the VSB Annual Meeting.

Diversity Conference and VSB Annual Meeting. DC's Annual Meeting CLE, "Virginia Indian Tribes: Federal Recognition, State Recognition, the Law, and How it May Affect Your Practice" will be moderated by Zaida Cordero Thompson and include Shanna Batten Aguirre (Tribal Council, Nottoway Indian Tribe of Virginia), Jessie Barrington, Esq. (Cultural Heritage Partners, PLLC), Edith Lou Branham (Assistant Chief and Museum Director, Monacan Nation), and Teresa Pollak (Tribal Council, Nottoway Indian Tribe of Virginia).

The Diversity Conference will host a **Welcome Reception on Thursday, June 12, 2025** during the VSB Annual Meeting. Also, the Diversity Conference is looking for volunteer mentors for its mentor-mentee program held in connection with the VSB Annual Meeting. Currently 14 law students have set to attend the annual meeting. Good opportunity to pay it forward.

Next Meeting: **VSB Annual Meeting, Friday, June 13, 2025.**

**Affinity Months:** May is a celebration of Asian American and Pacific Islander Heritage & Jewish American Heritage Month. June is LGBTQ+ Pride Month and July is Disability Pride Month. The DC will encourage its members to explore the various events being held in Virginia throughout these months.

**Upcoming Program:** Oliver Hill/Samuel Tucker Pre-Law Institute is a joint initiative between the Young Lawyers Conference and the Diversity Conference. It is a week-long camp teaching high school students about a life and career in the Law. For more information and volunteering opportunity contact the Institute co-directors at [hilltuckerinstitute@gmail.com](mailto:hilltuckerinstitute@gmail.com).

# TAB 7

**Senior Lawyers Conference  
(Last!) Report to Bar Council  
Thomas G. Bell, Jr., Chair**

We finished our last scheduled Conference Board meeting on April 10 feeling relatively satisfied by a busy and productive year and thinking that our work for the Bar year was basically done. Our smugness was short-lived. Six days later we learned that the Supreme Court, in an effort to address the Bar's long-term budget challenges, had changed our status from Conference to Section effective July 1, which has placed us in a position of significant uncertainty.

As a Conference for about the last quarter of a century, we have had the luxury of having all Bar members over age 55 automatically be members of the Conference without having to pay dues and to have our Budget funded by the Bar. When we have proposed projects with general merit, Council has been willing to provide funding. As a Section, we are faced with the reality that those days are over.

Our budget for this year is approximately \$47,000. Of that, roughly \$35,000 funds three projects: printing and distributing the Senior Virginians Handbook, designed to assist non-lawyer older Virginians dealing with the legal issues which affect them; hosting the 50 Year Recognition Brunch at the Annual Meeting; and producing a trailer to promote our well-received video and CLE about Civility and Professionalism for litigators. This year we have also devoted significant attention to compiling resources and presentations to assist lawyers young and old with succession planning when closing a practice for retirement, career change or relocation. The Court's Order, though understandable due to the statutory cap on dues, places our ability to continue these projects in significant doubt.

Fortunately, the Court's Order continues our funding for the coming year so at least until July 2026 we will be able to continue our existing projects and have a transition year to adapt to this significant change. Our Board has approved dues of \$15 per year for voluntary Section membership. While much is uncertain, our hope is that dues at this level are high enough to allow us to raise significant funds without being so high as to discourage participation. The initial dues assessment will be good for two years with the funds raised applied to payment of expenses for the year beginning in July 2027 when Bar funding ends. We hope there will be enough support among our 25,000 Senior lawyers to allow us to continue our programs. Time will tell.

I have been blessed as Chair to have the resources of a very talented and energetic Board, the support of the Officers and Council, and much assistance from Bar staff, especially our wonderful liaison Nancy Donner. Barbara Anderson will do a magnificent job facing the challenges when she succeeds me after the annual meeting. I am cautiously optimistic that as a Section we can continue the service to the Bar and the general public that has been our focus as a Conference.

# TAB 8

## **Virginia State Bar Young Lawyers Conference Report**

*Bar Council Meeting*

*June 12, 2025*

*Benjamin A. Shute, President*

### **Upcoming Programs**

#### Admission & Orientation Ceremony

The YLC will be organizing the biannual Admission & Orientation Ceremony on June 4, 2025. This event will be held at the Richmond Convention Center, where attorneys who have passed the February bar exam will be sworn in before the Supreme Court of Virginia and be admitted to practice before all the Courts in the Commonwealth of Virginia. Speakers will include Ben Shute, Mike York, and a representative from the Virginia Judges and Lawyers Assistance Program (“JLAP”).

#### Professional Development Conference

The YLC will be hosting the annual Professional Development Conference on June 6, 2025. This free, virtual webinar conference includes four sessions with relatable, practical information specifically tailored for Virginia’s young lawyers.

#### Mental Health Committee CLE

The Mental Health Committee is partnering with JLAP to put on a CLE on mental health and well being in the workplace. The event will be held on June 9, 2025 at 12:00 p.m. at the Virginia Law Foundation in Glen Allen, Virginia. Virtual attendance will also be available for those who wish to participate remotely.

### **Other Program Updates**

- Judicial Squares CLE: June 14, 2025
- Attorney General Debate: TBD
- Fore Everyone Golf Classic: TBD

# TAB 9

TAB 9 - Entry, Growth, and Distribution of Virginia Attorneys Study Committee interim report – David B. Neumeyer, Chair

Materials for this agenda item to be distributed at the meeting,

# TAB 10



# Virginia State Bar

1111 E. Main Street, Suite 700  
Richmond, Virginia 23219-0026  
Telephone: (804) 775-0500

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**To:** The Virginia State Bar Executive Committee and Council

**From:** Crista Gantz, Director of Access to Legal Services

**Date:** June 11, 2025

**Re:** Six-Year Pro Bono Reporting Update

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Attached for your review and consideration is the Virginia State Bar's Voluntary Pro Bono Reporting Summary for July 1, 2023 through June 30, 2024.

## I. Summary

The report provides information, for this year, on the following:

1. The reported pro bono contributions of members, through both providing legal advice or representation and financial contributions,
2. The number of members who declined to report;
3. The overall membership response rates; and
4. The Supreme Court of Virginia's Commission on Access to Justice's recognition projections.

Additionally, the third page of the report provides the six-year pro bono reporting trends. Significantly, the data show that, while the proportion of attorneys reporting pro bono contributions is lower than in previous years, the average reported financial contributions and hours of service have substantially increased.

## II. Applicable Rules of the Supreme Court of Virginia

Part Six, Section II, Paragraph 6.1 of the Rules of the Supreme Court of Virginia, Rule 6.1 of the Rules of Professional Conduct, states:

### **6.1 Voluntary Pro Bono Publico Service**

1. *A lawyer should render at least two percent per year of the lawyer's professional time to pro bono publico legal services. Pro bono publico services include poverty law, civil rights law, public interest law, and volunteer activities designed to increase the availability of pro bono legal services.*

2. *A law firm or other group of lawyers may satisfy their responsibility collectively under this Rule.*
3. *Direct financial support of programs that provide direct delivery of legal services to meet the needs described in (a) above is an alternative method for fulfilling a lawyer's responsibility under this Rule.*

Part Six, Section IV, Paragraph 22 of the Rules of the Supreme Court of Virginia, effective December 2019 and amended May 2020, states:

## **22. Voluntary Pro Bono Publico Legal Services Reporting**

*Rule 6.1 of the Virginia Rules of Professional Conduct establishes an aspirational goal that every lawyer should render at least two percent per year of the lawyer's professional time to pro bono publico legal services. Providing an opportunity for lawyers to voluntarily report their pro bono service on an annual basis will: (1) heighten awareness of this ethical responsibility among the bar membership by serving as an annual reminder; (2) provide a mechanism for the bar to report and measure its collective performance vis-a-vis the aspirational goal set by Rule 6.1; (3) provide data for the judiciary to support its efforts to promote and recognize pro bono contributions on a local, regional and statewide basis; (4) provide crucial benchmark data to the Virginia Access to Justice Commission to support its work promoting equal access to justice for Virginia residents; and (5) enable the bar to educate the public regarding the amount of pro bono publico work provided by its membership to the community, thereby improving the image and standing of the profession and its membership.*

*Accordingly, the Supreme Court of Virginia requests that each active and associate member of the Virginia State Bar voluntarily supply to the Virginia State Bar certain information regarding their pro bono publico contributions as part of their annual dues renewal. Moreover, the Supreme Court of Virginia grants the Virginia State Bar the authority to collect this information in an efficient manner consistent with the above five enumerated purposes, on a form, which shall be approved by the Supreme Court of Virginia, and which specifically provides an attorney the option not to report.*



**Virginia State Bar Voluntary Pro Bono Reporting Summary  
YEAR 6 (2023 – 2024 Bar Year Contributions)**

**REPORTING STATUS**

<b>Total Active &amp; Associate Members Eligible for Reporting</b>	<b>47,070</b>
<b>Total Pro Bono Reports Received to Date<sup>i</sup></b>	<b>44,440</b>
<b><u>CONTRIBUTION TOTALS</u></b>	
<b>TOTAL NO. PRO BONO HOURS REPORTED</b>	<b>348,902.70</b>
<b>TOTAL NO. FINANCIAL CONTRIBUTIONS REPORTED</b>	<b>\$2,042,573.85</b>
<b><u>MEMBER RESPONSES</u></b>	
<b><u>Hours &amp; Financial Contributions</u></b>	
<b>Members reporting any numeric value in the hours or financial contribution fields</b>	<b>7,035</b>
<i>-Members reporting any numeric value in the hours field only</i>	<i>3,134</i>
<i>-Members reporting a value greater than zero in the hours field only</i>	<i>2,433</i>
<i>-Members reporting a value <math>\geq 40</math> (donations less than \$1,000)</i>	<i>2,354</i>
<i>-Members reporting any numeric value in financial contributions field only</i>	<i>1,382</i>
<i>-Members reporting a value greater than zero in the financial contributions field only</i>	<i>383</i>
<i>-Members reporting a value <math>\geq</math> \$1,000 only (hours less than 40)</i>	<i>212</i>
<i>-Members reporting any numeric value in the hours and financial contributions field</i>	<i>14,598</i>
<i>-Members reporting a value greater than zero in the hours and financial contributions field</i>	<i>891</i>
<i>-Members reporting hours <math>\geq 40</math> and donations <math>\geq</math> \$1000</i>	<i>141</i>

**Decline to Report**

<i>Decline to report hours and financial contributions</i>	25,236
<i>Decline to report pro bono hours only</i>	1,382
<i>Decline to report financial contributions only</i>	3,134
<i>Empty Forms</i>	3,514
<b>Members affirmatively identifying themselves on reporting form (Opt-in reports)<sup>ii</sup></b>	<b>3,737</b>

**RESPONSE RATES**

<b>Overall Response Rate<sup>iii</sup></b>	<b>94.41%</b>
<i>-Adjusted Response Rate<sup>iv</sup></i>	40.61%
<i>-Contribution Response Rate<sup>v</sup></i>	7.9%
<i>-Decline to Report Rate</i>	53.61%
<b>Empty Form Rate</b>	<b>7.47%</b>
<b>Opt-in Response Rate</b>	<b>7.94%</b>

**Commission Recognition Projections**

Pro Bono Service Honor Roll only	969
Pro Bono Investment Honor Roll only	72
Pro Bono Service & Investment Honor Roll	75
<b>Total Honor Roll Recipients</b>	<b>1,116</b>

**SIX-YEAR PRO BONO REPORTING TREND**

	Year 1	Year 2*	Year 3*	Year 4*	Year 5*	Year 6*
<b>Total Members Eligible to Report</b>	<b>32,199</b>	<b>45,477</b>	<b>45,545</b>	<b>46,166</b>	<b>46,491</b>	<b>46,500 (est.)</b>
<b>Total Response Rate (all reports)</b>	<b>65.96%</b>	<b>61%</b>	<b>61%</b>	<b>58.5%</b>	<b>84.4%</b>	<b>94.41%</b>
<i>Adjusted Response Rate (all numeric values, including zero)</i>	16.03%	17%	16%	15%	38.7%	40.61%
<i>Contribution Response Rate (positive value reported)</i>		15%	13%	12%	13.9%	7.88%
<i>Decline to Report Hours &amp; Donations Response Rate</i>	49.66%	44%	45%	43%	45.6%	53.61%
<b>Not Responsive Rate (or Empty Forms)</b>	<b>33%</b>	<b>39%</b>	<b>37%</b>	<b>34%</b>	<b>15.6%</b>	<b>7.47%</b>
Opt-In Response Rate	2.78%	10%	12%	12%	10.7%	7.94%
<b>TOTAL FINANCIAL CONTRIBUTIONS</b>	<b>\$974,130.02</b>	<b>\$1,585,492</b>	<b>\$1,558,337.00</b>	<b>\$1,596,325.09</b>	<b>\$1,762,990.09</b>	<b>\$2,042,573.85</b>
<b>TOTAL HOURS</b>	<b>368,845.70</b>	<b>403,969.00</b>	<b>372,104.30</b>	<b>324,167.76</b>	<b>355,199.7</b>	<b>348,902.70</b>

<b>AVERAGE CONTRIBUTIONS</b>	Year 1	Year 2*	Year 3*	Year 4*	Year 5*	Year 6*
Average Financial Contribution/atty eligible to report	\$30.25	\$34.86	\$34.22	\$34.58	\$38.0	\$43.93
Average Hours/atty eligible to report	11.46	8.88	8.17	7.02	7.66	7.41
Average Financial Contributions/atty reporting positive donation		\$901.7	\$1,017	\$1,139.19	\$971.8	\$1603.28
Average Hours/atty reporting positive hours		68.2	72.9	67.9	63.5	104.96

\*Reporting forms were included in all Active and Associate dues renewal mailings in these years.

<sup>i</sup> Renewals processed as of February 7, 2025. This was the first year of mandatory online dues renewal. Every active/associate member who completed renewal will have a line item for reporting, even if they submitted an empty form.

<sup>ii</sup> Members opting in may fall into any of the reporting categories outlined above except for “Empty Forms”

<sup>iii</sup> Including “Decline to Report” responses and reports that had any value in hours and/or financial contributions fields, including 0.00 value.

<sup>iv</sup> Excluding “Decline to Report” responses

<sup>v</sup> Percentage of forms with contributions greater than zero reported in the hours and/or financial contributions fields

# TAB 11



# Virginia State Bar

1111 E. Main Street, Suite 700  
Richmond, Virginia 24219-0026  
Telephone: (804) 775-0500

## MINUTES OF THE VIRGINIA STATE BAR EXECUTIVE COMMITTEE MEETING

**Date:** April 18, 2025, 9:00 a.m.  
**Virtual:** Microsoft Teams Meeting ID: 259 053 523 583 5

The VSB Executive Committee met virtually on Friday, April 18, 2025. At 9:00 a.m., President Michael M. York called the meeting to order. Twelve (12) committee members attended in-person meeting satisfying the quorum requirement in Part I, Art. V, Sec. 2 of the Bylaws of the Virginia State Bar (VSB).

### **Committee members in attendance:**

President Michael M. York  
President-Elect K. Brett Marston  
Immediate Past President Chidi I. James  
Member Carole H. Capsalis  
Member Derek A. Davis  
Member G. L. "Rex" Flynn, Jr.  
Member Daniel P. Frankl  
Member Ann Marie Park  
Member Susan B. Tarley  
Conference of Local and Specialty Bar Associations Chair Christine H. Mouglin-Boal  
Senior Lawyers Conference Chair Thomas G. Bell, Jr.  
Young Lawyers Conference President Benjamin A. "Ben" Shute

### **Absent:**

Diversity Conference Chair Zaida C. Thompson

### **Also attending:**

Cameron M. Rountree	VSB	Executive Director and Chief Operating Officer
Janet P. Van Cuyk	VSB	Deputy Executive Director
DaVida M. Davis	VSB	Director of Regulatory Compliance
Nancy L. Donner	VSB	Meetings Coordinator and Council Liaison
Crystal T. Hendrick	VSB	Director of Finance and Procurement
Shawne D. Moore	VSB	Assistant to the Executive Director
Caryn B. Persinger	VSB	Director of Communications
Mallory J. Ralston	VSB	Director of Bar Programs & Engagement

## Purpose

To discuss the Order from the Supreme Court of Virginia in advance of the regular Executive Committee meeting on April 30, 2025, in Richmond, and to start the work to preserve the functions and activities of the four conferences. In addition, to work closely with the conference leaders as they plan to retain and expand their membership, as well as grow their programs and develop bold new initiatives. A copy of the Order dated April 16, 2025, was provided to the Executive Committee.

## Discussion

- **Budget and Conferences:** Cameron discussed the need to convert conferences into sections and the importance of estimating future budgets. They mentioned that the court approved the budget for the next fiscal year, which includes funding for all four conferences.
  - Conversion to Sections: Cameron emphasized the need to convert conferences into sections to align with the court's requirements and ensure proper budgeting for future years. This conversion is crucial for estimating reasonable budgets beyond the next fiscal year.
  - Budget Approval: The court has approved the budget for the next fiscal year, which includes funding for all four conferences. This approval ensures that there will be no confusion regarding funding for the upcoming fiscal year.
  - Future Budget Estimation: Cameron highlighted the importance of estimating the take rate for conferences in the years beyond FY27. This estimation is essential for planning and budgeting purposes.
  - Staff Focus: The staff has been focused on determining the best way to effectuate the conversion of conferences into sections and estimate future budgets. This involves considering various options and proposals to ensure a smooth transition.
  
- **Proposal for Section Enrollment:** Cameron introduced Mallory's proposal for section enrollment, which includes a two-year subscription with the first year being free and a cost for the second year. This proposal aims to estimate the number of people willing to pay for section membership.
  - Two-Year Subscription: Mallory proposed a two-year subscription model for section enrollment, where the first year is free, and the second year involves a cost. This model aims to gauge the willingness of members to pay for section membership.
  - Cost Determination: The cost for the second year of section enrollment will be determined by the boards of the four groups. The proposed cap for the enrollment fee is \$30-\$35 per year.
  - Enrollment Process: The enrollment process for sections will begin during the upcoming dues season. Members will need to opt-in for the first year, which is free, to continue their membership in the second year with a fee.
  - Budget Incorporation: The money collected from section enrollment fees during the dues season will be incorporated into the FY27 budget. This

process will help estimate the number of people willing to pay for section membership and ensure proper budgeting.

- **Bylaws and Dues Renewal Process:** Cameron explained the need to change the bylaws to align with the rules of the court and the importance of setting the dues amount for sections. They emphasized the need to program the dues renewal process by mid-May.
  - **Bylaws Alignment:** Cameron explained that the bylaws need to be changed to align with the rules of the court. This involves changing the titling of conferences to sections and approving the creation of sections in accordance with the bylaws.
  - **Dues Renewal Process:** The dues renewal process needs to be programmed by mid-May to include the new sections, and their respective dues amounts. This is crucial for ensuring a smooth transition and proper budgeting for the upcoming fiscal year.
- **Funding for Conferences and Sections:** Derek raised concerns about the inconsistency between the budget approved for conferences and the requirement to convert them into sections. Cameron and Michael clarified that the money allocated for conferences would go to the new sections.
  - **Inconsistency Concern:** Derek raised concerns about the inconsistency between the approved budget for conferences and the requirement to convert them into sections. He questioned how the funding would be managed given this change.
  - **Funding Clarification:** Cameron and Michael clarified that the money allocated for conferences in the approved budget would be redirected to the new sections. This ensures that the funding remains available for the intended purposes despite the structural change.
  - **Budget Allocation:** Michael emphasized that the budget allocation for conferences would seamlessly transition to the new sections, ensuring continuity in funding and minimizing disruption to the programs and activities previously supported by the conferences.
- **Budget Relief and Litigation Risk:** Michael discussed the court's decision to convert conferences to sections as a business decision. Michael said the order would help the VSB reduce its budget deficit. He also said the order should reduce the risk of frivolous litigation. He emphasized the importance of the conferences' functions and the need to continue them.
  - **Business Decision:** Michael explained that the court's decision to convert conferences to sections was a business decision. Michael said he believed the decision would provide limited budget relief and address potential litigation concerns. He said the court's decision was made to help ensure the financial stability of the bar.
  - **Budget Relief:** The conversion to sections provides limited budget relief by reducing the financial burden on the bar. This measure helps address the budget deficit and ensures the continued operation of essential programs and activities.

- **Litigation Risk:** Michael said that the conversion to sections helps mitigate risks of frivolous litigation associated with the current structure of conferences. This order should protect the bar from frivolous legal challenges and associated costs.
- **Importance of Functions:** Michael emphasized the importance of the functions performed at the conferences and the need to continue them within the structural change. The goal is to maintain the value and impact of these programs while ensuring financial sustainability.
- **Section Enrollment and Budgeting:** Mallory explained the proposed section enrollment process, which includes a two-year subscription with the first year being free and a cost for the second year. This process aims to estimate the number of people willing to pay for section membership and incorporate the enrollment fees into the FY27 budget.
  - **Enrollment Process:** Mallory detailed the proposed section enrollment process, which involves a two-year subscription model. The first year is free, and the second year includes a cost determined by the boards of the four groups.
  - **Estimating Willingness:** The enrollment process aims to estimate the number of people willing to pay for section membership. This information is crucial for budgeting and planning purposes.
  - **Budget Incorporation:** The enrollment fees collected during the dues season will be incorporated into the FY27 budget. This ensures that the financial impact of the new sections is accurately reflected in the budget.
  - **Marketing Strategy:** Mallory emphasized the importance of marketing the new sections and ensuring that members are familiar with the enrollment process. This includes hosting a tutorial on how to pay member dues and enroll in sections.
- **Administrative Costs and Essential Programs:** Mallory discussed the staggered administrative costs for sections and the essential programs that will be paid for out of the VSB operating account. She mentioned that some programs are deemed essential by court order or significantly involved with the court.
  - **Staggered Costs:** Mallory proposed a staggered approach to administrative costs for sections, starting with 5% in FY27, 15% in FY28, and 25% in FY29. This gradual increase helps manage the financial impact on sections.
  - **Essential Programs:** Some programs, such as the admission and orientation ceremony, are deemed essential by court order or significantly involved with the court. These programs will be funded out of the VSB operating account to ensure their continuation.
  - **Funding Allocation:** Mallory explained that the funding for essential programs will come from the VSB operating account rather than the section's budgets. This allocation ensures that critical programs are maintained without overburdening the sections financially.

- **CLSBA Budget and Funding:** Chris Mouglin-Boal raised questions about the CLSBA budget and its funding. Janet clarified that the budget for the CLSBA comes from bar dues and is a separate line item in the VSB operating budget.
  - **Setting Dues Amount for Sections:** Michael and Cameron discussed the need for each conference to determine the dues amount for their sections. They emphasized the importance of considering the current budget, the number of members, and the potential revenue from section enrollment fees.
  - **Concerns About Senior Lawyers Conference:** Jr expressed concerns about the Senior Lawyers Conference's budget and the potential difficulty in getting members to pay for the section. He highlighted the importance of funding essential programs like the 50-year lunch and the handbook.
  - **Automatic Membership and Diversity Conference:** Ann raised concerns about the impact of the transition on the Diversity Conference, which does not have automatic membership like the other conferences. She emphasized the need to protect and preserve the mission of the Diversity Conference.
  - **Marketing and Enrollment Process:** Mallory discussed the importance of marketing the new sections and ensuring that members are familiar with the enrollment process. She mentioned plans to host a tutorial on how to pay member dues and enroll in sections.
  - **Funding Essential Programs:** None

**Follow-up tasks:**

- **Budget Proposal:** Meet with the boards of the four conferences to determine the cost of member dues and how to notify their membership about the changes. (Mallory)
- **Communication Strategy:** Develop a comprehensive communication plan to inform members about the transition from conferences to sections, including the benefits and the need for opting in. (Mallory)
- **Financial Projections:** Update the financial projections to reflect the potential savings from the transition to sections and the impact on the budget deficit. (Crystal)
- **Section Enrollment:** Create a tutorial for the lunch and learn session at the end of May to show members how to pay their dues and enroll in sections. (Mallory)
- **Meeting Schedule:** Adjust the start time of the meeting on the 30th to 11:00 AM to accommodate a longer discussion. (Michael, Cameron)
- **Communication Materials:** Prepare a document for the next meeting that shows the impact of the transition on the budget and how it delays the need for dues increase. (Crystal)
- **Fundraising Strategy:** Explore and develop fundraising initiatives and sponsorship opportunities for the new sections to supplement their budgets. (Mallory)

There being no other business for the Committee, at 10:31 p.m. the meeting was adjourned.



# Virginia State Bar

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## MINUTES OF THE VIRGINIA STATE BAR EXECUTIVE COMMITTEE MEETING

**Date:** April 30, 2025, 11:00 a.m.

**Location:** Bank of America Building, 1111 E. Main Street, 3<sup>rd</sup> floor, Richmond

The VSB Executive Committee met on Wednesday, April 30, 2025. At 11:09 a.m., President Michael M. York called the meeting to order. Twelve (12) committee members attended in-person, satisfying the quorum requirement in Part I, Art. V, Sec. 2 of the Bylaws of the Virginia State Bar (VSB).

### **Committee members in attendance:**

President Michael M. York

President-Elect K. Brett Marston

Immediate Past President Chidi I. James

Member Carole H. Capsalis

Member G. L. "Rex" Flynn, Jr.

Member Daniel P. Frankl

Member Ann Marie Park

Member Susan B. Tarley

Conference of Local and Specialty Bar Associations Chair Christine H. Mouglin-Boal

Diversity Conference Chair Zaida C. Thompson

Senior Lawyers Conference Chair Thomas G. "Tom" Bell, Jr.

Young Lawyers Conference President Benjamin A. "Ben" Shute

### **Absent:**

Member Derek A. Davis

### **Also attending:**

Cameron M. Rountree VSB Executive Director and Chief Operating Officer

Janet P. Van Cuyk VSB Deputy Executive Director

Renu M. Brennan VSB Counsel

Joseph B. Allen VSB Business Law Section, Chair

DaVida M. Davis VSB Director of Regulatory Compliance

Nancy L. Donner VSB Meetings Coordinator and Council Liaison

Pamela Y. Flynn VSB Meetings Coordinator

Emily F. Hedrick VSB Ethics Counsel

Crystal T. Hendrick VSB Director of Finance and Procurement

Shawne D. Moore	VSB	Assistant to the Executive Director
Caryn B. Persinger	VSB	Director of Communications
Mallory J. Ralston	VSB	Director of Bar Programs & Engagement

## **I. Reports and Information Items**

### **A. President's Report**

Michael York reported on his activities. The President's Report for April 2025 was included in the materials provided to the Executive Committee.

### **B. Executive Director's Report**

Cameron Rountree reported on matters relating to the VSB and staff. The Executive Director's Report for April 2025 was included in the materials provided to the Executive Committee.

### **C. Financial Report**

Crystal Hendrick presented the VSB financial report. The Financial Report as of February 28, 2025, was included in the materials provided to the Executive Committee.

### **D. Bar Counsel Report**

Renu Brennan reported on the activities in the Office of Bar Counsel. The Disciplinary System report, dated April 1, 2025, was included in the materials provided to the Executive Committee.

### **E. Information Item – Supreme Court Order re: VSB Conferences and Future Composition of the Executive Committee**

Pursuant to the Supreme Court of Virginia order, dated April 16, 2025, Michael York and Cameron Rountree discussed the need to convert the four (4) VSB conferences into sections, by July 1, 2025, and the future composition of the Executive Committee. A copy of the order was included in the materials provided to the Executive Committee.

## **II. Action Items**

### **A. Approval of the Minutes of February 28, 2025, Meeting**

Michael York presented the minutes of the February 28, 2025, meeting. A draft copy of the minutes was included in the materials provided to the Executive Committee.

A motion was made by Chidi James and seconded by Derek Davis to approve the minutes of the February 28, 2025, meeting.

The Executive Committee voted unanimously to approve the minutes of the February 28, 2025, meeting and the motion passed.

**B. Approval of the Business Law Section Amendments to the Section's Bylaws**

Joseph Allen, Business Law Section chair, presented the request for a recommendation, to Council, to repeal existing bylaws and adopt the section's proposed changes, effective July 1, 2025. A copy of the VSB Section Bylaws memo from Mallory Ralston, dated April 30, 2025, with the VSB Business Law Section Bylaws Amendments Proposed February 2025 attached, was included in the materials provided to the Executive Committee.

After a discussion, the committee took no action on the request.

**C. Approval of Professionalism Course Extension Requests**

Mallory Ralston presented professionalism course extension requests from the following members:

1. Erika M. Gnazzo, Circuit 33-Out of State

Staff recommended granting an extension through August 14, 2025, so that Ms. Gnazzo may be restored to "in good standing" until she completes the course in August.

2. Suhas Subramanyam, Circuit 20-Ashburn

Staff recommended granting an extension through August 14, 2025, so that Mr. Subramanyam may attend the August course in Fairfax.

A copy of the memo from Megan Connor, dated April 30, 2025, re: VSB Harry L. Carrico Professionalism Course Extension Requests, was included in the materials provided to the Executive Committee.

A motion was made by Brett Marston and seconded by Chidi James to accept and approve the staff recommendations to grant the requests for extensions, through August 14, 2025, to members Erika M. Gnazzo and Suhas Subramanyam.

The Executive Committee voted unanimously to accept and approve the staff recommendations to grant the requests for extensions, through August 14, 2025, to members Erika M. Gnazzo and Suhas Subramanyam, and the motion passed.

**D. Adjournment**

There being no other business for the Committee, Michael York invited a motion to adjourn. A motion was made by Chidi James, and seconded by Zaida Thompson, to adjourn the meeting. The motion passed, and at 2:04 p.m. the meeting was adjourned.



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## **MINUTES OF THE VIRGINIA STATE BAR COUNCIL MEETING**

**Date: March 1, 2025, 9:00 a.m.**

**Location: Omni Richmond Hotel, 100 S. 12<sup>th</sup> Street, Richmond**

The VSB Council met on Saturday, March 1, 2025. At 9:04 a.m., President Michael M. York called the meeting to order. Sixty-two (62) committee members attended in-person, satisfying the meeting quorum requirement in Part I, Art. V, Sec. 2 of the Bylaws of the Virginia State Bar (VSB). The electronic attendance list is appended to these minutes. There was no remote participation.

### **Committee members in attendance:**

President	Michael M. York	President-Elect	K. Brett Marston
Circuit 1	D.J. Hansen	Circuit 18	David C. Hagan
Circuit 2	Naveed Kalantar	Circuit 18	Sebastian M. Norton
Circuit 3	Matthew R. Foster	Circuit 19	Susan M. Butler
Circuit 4	Caswell W. Richardson	Circuit 19	Gary V. Davis
Circuit 5	Sean P. Dolan	Circuit 19	Kyung N. "Kathryn" Dickerson
Circuit 6	Derek A. Davis	Circuit 19	Gifford R. Hampshire
Circuit 7	Patrick C. Murphrey	Circuit 19	Chidinma U. Harley
Circuit 9	Susan B. Tarley	Circuit 19	Tamika D. Jones
Circuit 10	E. M. Wright, Jr.	Circuit 19	Paul H. Melnick
Circuit 11	Dale W. Pittman	Circuit 19	Luis A. Perez
Circuit 12	Adrienne George-Eliades	Circuit 19	Juli M. Porto
Circuit 13	Mark D. Dix	Circuit 19	Debra L. Powers
Circuit 13	Kyle R. Elliott	Circuit 19	Gina L. Schaecher
Circuit 13	Shameka L. Harris	Circuit 19	Gobind S. Sethi
Circuit 13	Cullen D. Seltzer	Circuit 19	Robert B. "Bob" Walker
Circuit 14	William J. Egen	Circuit 20	R. Penn Bain
Circuit 14	Stephanie E. Grana	Circuit 21	O. Randolph Rollins
Circuit 14	Joel R. McClellan	Circuit 22	W. Huntington "Hunter" Byrnes, Sr.
Circuit 15	Allen F. Bareford	Circuit 23	Kevin W. Holt
Circuit 16	Richard H. Howard-Smith	Circuit 24	Hope R. Townes
Circuit 16	Ann Marie Park	Circuit 25	David B. "Brian" Richardson
Circuit 17	G. L. "Rex" Flynn, Jr.	Circuit 26	Peter K. McDermott II
Circuit 17	Gregory T. Hunter	Circuit 28	Bruce H. Russell II
Circuit 17	Adam M. Krischer	Circuit 29	Bradley D. Fleming
Circuit 17	David E. Sher	Circuit 30	D. Susie Baker

**Committee Members in Attendance (cont'd.)**

Member at Large Craig E. Ellis	Member at Large Joanna L. Suyes
Member at Large James W. Hundley	Member at Large Nicole E. Upshur
Member at Large Molly E. Newton	Member at Large Lisa A. Wilson
Member at Large Lonnie D. "Chip" Nunley III	CLSBA Christine H. Mougins-Boal
Member at Large Patricia E. Smith	Senior Lawyer Conference Thomas G. Bell, Jr.

**Absent:**

Immediate Past President Chidi I. James	Circuit 18	Nicholas J. Gehrig
Circuit 2 Bretta Zimmer Lewis	Circuit 19	Alison R. Mullins
Circuit 2 Jeremiah A. "Jake" Denton IV	Circuit 20	Marie E. Washington
Circuit 4 Charlene A. Moring	Circuit 23	Daniel P. Frankl
Circuit 8 Veronica E. Meade	Circuit 27	W. Grant Back
Circuit 13 Alicia R. Johnson	Circuit 31	Anna B. Bristle
Circuit 13 Jonathan M. Petty	Member at Large	David P. Weber
Circuit 13 Gordon F. Willis, Jr.	DC Chair	Zaida C. Thompson
Circuit 17 Carole H. Capsalis	YLC President	Benjamin A. Shute

**Council Invitees and Invited Guests:**

W. Frank Adams	Chief, Upper Mattaponi Tribe
Mackenzie Adkins	Chickahominy Tribe
Stephen R. Adkins	Chief/Tribal Administrator, Chickahominy Tribe
Troy Adkins	Program Manager, Chickahominy Tribe
Lynette Allston	Chief, Nottoway Indian Tribe of Virginia, Inc.
Lou Branham	Monacan Indian Nation
Walt "Red Hawk" Brown	Chief, Cheroenhaka (Nottoway) Tribe
Jodie Cole	Upper Mattaponi Tribe
Billy C. Elliott	Councilperson, Nottoway Indian Tribe of Virginia, Inc.
David J. Gogal	Virginia Law Foundation
James P. Guy II	Energy Bar Association
Melissa Holds the Enemy	Chief Justice, Upper Mattaponi Tribe
Paul E. Fletcher III	Virginia Bar Association
Amy Anderson Horton	
Robert Lyttle	Attorney, Montana
Alison Martin	Virginia Law Foundation
Peter M. Mellette	VSBA Chair, Clients' Protection Fund Board Rules Subcommittee
Valerie O'Brien	Virginia Trial Lawyers Association
K. Danielle Payne	Virginia Association of Criminal Defense Lawyers
Teresa Pollack	
Teresa Preston	Cheroenhaka (Nottoway) Tribe
Scott E. Reid	Chair, VSBA Access to Legal Services Committee
G. Anne Richardson	Chief, Rappahannock Indian Tribe
Diane Shields	Tribal Chief, Monacan Indian Nation
Mary Smith	American Bar Association Immediate Past President, 2024-25
Robert C. Turner	Cheroenhaka (Nottoway) Tribe
Martin D. "Marty" Weigbreit	Virginia State Bar Emeritus Member

**Also attending:**

Cameron M. Rountree	VSB Executive Director and Chief Operating Officer
Janet P. Van Cuyk	VSB Deputy Executive Director
Renu M. Brennan	VSB Bar Counsel
Megan R. Conner	VSB Deputy Director of Bar Programs & Events
DaVida M. “Dee” Davis	VSB Director of Regulatory Compliance
Nancy L. Donner	VSB Meetings Coordinator and Council Liaison
Jane A. Fletcher	VSB Counsel to the Clients’ Protection Fund Board
Crista L. Gantz	VSB Director of Legal Access
Emily F. Hedrick	VSB Ethics Counsel
Crystal T. Hendrick	VSB Director of Finance and Procurement
Shawne D. Moore	VSB Assistant to the Executive Director
Caryn B. Persinger	VSB Director of Communications
Mallory J. Ralston	VSB Director of Bar Programs & Engagement
Dolly C. Shaffner	VSB Meetings Coordinator

**I. Reports and Information Items**

**A. Conversation with Mary L. Smith, American Bar Association, Immediate Past President**

Michael York introduced Mary Smith, ABA 2024-2025 Immediate Past President, the first Native American woman to serve as ABA President in the association’s 150-year history.

**B. Presentation of Virginia’s Tribal Courts**

Michael York introduced guests from the following American Indian tribes recognized by the Commonwealth: Cheroenhaka (Nottoway) Tribe, Chickahominy Tribe, Nottoway Indian Tribe of Virginia, Inc., Monacan Indian Nation, Rappahannock Indian Tribe, and the Upper Mattaponi Tribe. Mr. York also introduced Upper Mattaponi Chief W. Frank Adams, Tribal Court Chief Justice Melissa Holds the Enemy and counsel Robert Lyttle – all of whom gave presentations on Virginia tribal court systems and tribal judiciary.

**C. President’s Report**

Michael York reported on his activities. The President’s Report for February 2025 was included in the materials provided to Council.

**D. Executive Director’s Report**

Cameron Rountree reported on matters related to the VSB and staff. The Executive Director’s Report for February 28 – March 1, 2025 was included in the materials provided to Council.

**E. Financial Report**

Crystal Hendrick presented the VSB financial report. The Financial Report as of December 31, 2024 was included in the materials provided to Council.

**F. Bar Counsel Report**

Renu Brennan reported on the activities in the Office of Bar Counsel. The Disciplinary System report, dated January 31, 2025 was included in the materials provided to Council.

**G. Conference of Local & Specialty Bar Associations Report**

Christine Mougins-Boal reported on the activities of the Conference of Local & Specialty Bar Associations (CLSBA). A copy of the CLSBA report dated March 1, 2025 was included in the materials provided to Council.

**H. Diversity Conference Report**

Debra Powers presented the report on the activities of the Diversity Conference. The Report of the Diversity Conference, submitted by Zaida Thompson and dated January 27, 2025, was included in the materials provided to Council.

**I. Senior Lawyers Conference Report**

Thomas Bell reported on the activities of the Senior Lawyers Conference (SLC). The SLC Chair's Report dated January 23, 2025 was included in the materials provided to Council.

**J. Young Lawyers Conference Report**

Craig Ellis presented the report on the activities of the Young Lawyers Conference (YLC). The YLC Report, submitted by Benjamin Shute and dated March 1, 2025, was included in the materials provided to Council.

**I. Action Items**

**A. Approval of the Minutes of the October 11, 2024 Meeting**

Michael York presented the minutes of the October 11, 2024 meeting. A draft copy of the minutes was included in the materials provided to Council. A discussion was held to amend the minutes to add Council Member at Large Lisa A. Wilson to the list of committee members in attendance at the October 11, 2024 meeting.

A motion was made by Bruce Russell and seconded by Gregory Hunter to amend the minutes to add Council Member at Large Lisa A. Wilson to the list of committee members in attendance, and approve, the minutes of the October 11, 2024 meeting.

The motion passed and Council approved the minutes of the October 11, 2024 meeting, as amended. Members voted using the Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

**B. Approval of the FY 2026 Proposed Budget**

Chip Nunley presented the FY 2026 Proposed Budget on behalf of the Standing Committee on Budget and Finance. A copy of the memo from Crystal Hendrick, dated January 31, 2025, highlighting the significant items in the proposed budget; and, the Fiscal Year 2026 Proposed Budget dated February 2025, were included in the materials provided to Council.

After a discussion, a motion was made by Bruce Russell and seconded by Gregory Hunter to vote to approve the committee's request for approval of the proposed budget for FY 2026, and to send to the proposed budget to the Supreme Court for approval.

The motion passed, and Council approved the committee's request to approve the committee's request for approval of the proposed budget for FY 2026, and to send to the proposed budget to the Supreme Court for approval. Members Dale Pittman and Debra

Powers voted “yes” verbally. All other members voted using the Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

**C. Approval of the Amendments to the Rules of the Clients’ Protection Fund**

Peter Mellette presented the request for approval of the Amendments to the Rules of the Clients’ Protection Fund. A copy of the memo from Joseph M. Bowen, CPF Board Chair, dated February 28, 2025, re: Clients’ Protection Fund Board Rule Revisions, approved on September 18, 2024, was included in the materials provided to the Executive Committee.

After a discussion, Council took no action on the request for the approval of the rule change.

**D. Approval of the Amendments to Rule 3(f) Regarding Emeritus Class of Membership**

A request for approval of the amendments Rule 3(f) Regarding Emeritus Class of Membership, was presented by Scott Reid, chair of the Access to Legal Services Committee, and VSB Emeritus Member Marty Weigbreit. A copy of the memo dated January 27, 2025, re: Proposed Amendment to Part 6, § IV, ¶ 3(f) of the Rules of the Supreme Court of Virginia pertaining to emeritus class of membership, was included in the materials provided to Council. Copies of the memo re: Rule 3 (f). Emeritus Class highlighting the proposed changes was distributed to members prior to the presentation.

- Proposed Amendments: The proposed amendments to the Emeritus class of membership. The amendments aim to reduce the practice requirement from 20 years to 10 years and align the scope of practice with Rule 6.1.
- Practice Requirement: The current requirement of 20 years of practice is a barrier for many retired lawyers who want to continue providing pro-bono services. The proposed amendment would reduce the requirement to 10 years, making it more accessible.
- Scope of Practice: Marty Weigbreit highlighted the need to align the scope of practice for Emeritus members with Rule 6.1, which addresses pro bono public service. The amendment would allow Emeritus members to engage in a broader range of pro-bono activities, including civil rights and public interest law.
- Public Comments: Scott mentioned that the proposed amendments received five public comments, all in favor of the changes. He noted that one comment suggested going further than the proposed amendments, but the committee decided to proceed with the current proposal.

A motion was made by Patrick Murphrey and seconded by Gregory Hunter to vote to approve the committee’s request for approval of the amendments to the Emeritus Class of Membership to send the proposed amendments to the Supreme Court for approval.

The motion passed and Council voted to approve the committee’s request for approval of the amendments to the Emeritus Class of Membership, and to send the proposed amendments to the Supreme Court for approval. Members voted using the Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

**E. Approval of the Amendments to RPC 1.5(g)**

Brett Marston presented the request for approval, on behalf of the Ethics Committee, of its' proposed amendments to RPC 1.5(g). A copy of the memo from Emily Hedrick, Ethics Counsel, dated March 1, 2025, re: Proposed Rule 1.5(g) – Nonrefundable fees are not permitted, was included in the materials provided to Council.

Discussion:

- **Non-Refundable Fees:** The proposed amendment to Rule 1.5 to clarify that non-refundable fees are not permitted, addressing confusion and ensuring compliance with existing legal ethics opinions.
- **Proposed Amendment:** The proposed amendment to Rule 1.5, which aims to clarify that non-refundable fees are not permitted. The amendment is intended to address confusion and ensure compliance with existing legal ethics opinions.
- **Legal Ethics Opinion:** The amendment is based on a standing legal ethics opinion (LEO 1606) that was adopted by the bar in 1994 and further adopted by the Supreme Court of Virginia in 2016. The amendment would incorporate the opinion into the rule itself.
- **Public Comments:** The proposed amendment received several public comments, with some expressing confusion about the terms "advance fee" and "retainer." The committee decided to proceed with the amendment and address any further clarifications through education and additional guidance.
- **Clarification:** It was emphasized that the amendment would make it clear that non-refundable fees are not allowed, and any advance fees must be refundable until earned. This clarification is expected to reduce disciplinary issues related to fee arrangements.

After the discussion, motion was made by Cullen Seltzer, and seconded by Gregory Hunter, to vote to approve the proposed amendments to RPC 1.5(g) and send to the Supreme Court for approval.

The motion passed and Council voted to approve the proposed amendments to RPC 1.5(g) and send them to the Supreme Court for approval. Members voted using the Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

**F. Approval of the Amendments to RPC 6.5**

Brett Marston, on behalf of the Ethics Committee, presented a request for approval of the proposed amendments to RPC 6.5. A copy of the memo from Emily Hedrick, Ethics Counsel, dated March 1, 2025, re: Proposed Rule 6.5 – Limited Scope Representation/Counsel at First Appearance was included in the materials provided to Council.

Discussion:

- **Limited Representation for Indigent Defense:** The proposed amendment to Rule 6.5

to facilitate limited representation for indigent defendants at first appearances without the need for a conflict check.

- Proposed Amendment: The proposed amendment to Rule 6.5, which aims to facilitate limited representation for indigent defendants at first appearances without the need for a conflict check. The amendment is intended to improve access to legal services for indigent defendants.
- Conflict Check: The amendment would remove the administrative burden of conducting a conflict check before providing limited representation at first appearances or same-day bail hearings. Lawyers would still be subject to any known conflicts at the time of representation.

After the discussion, a motion was made by Patrick Murphrey, and seconded by Gregory Hunter, to approve the proposed amendments to RPC 6.5 and to send to the Supreme Court for approval.

The motion passed, and Council voted to approve the proposed amendments to RPC 6.5 and send them to the Supreme Court. Members voted using the Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

#### **G. Approval of the Nominating Committee Recommendations for Appointments**

Cameron Rountree presented the request for approval of the Nominating Committee Recommendations for 2025-2026. A copy of the Nominating Committee Report dated January 23, 2025, and the letter dated December 16, 2024, from Legal Services Corporation of Virginia (LSCV) Executive Director Tim Freilich, to serve on its Board of Directors, was included in the materials provided to the Council.

- American Bar Association House of Delegates
  - Nominating Committee Recommendation for Appointment:
    - Nelson, Margaret A.
- Clients' Protection Fund Board
  - Nominating Committee Recommendations for Appointment:
    - Baker, D. Sue ("Susie")
    - Dodson-O'Connell, Jeannette M.
    - Nelson, Grant J.
- Council Members at Large
  - Nominating Committee Recommendations for Appointment:
    - Lambert, Jacob R.
    - Marshall, Douglas Bradley ("Brad")
- Disciplinary Board
  - Committee Recommendations for Appointment
    - Grady, Carolyn W,
    - Haddow, Colleen M.

- Tiller, David R,
- Mandatory Continuing Legal Education Board
  - Nominating Committee Recommendations for Appointment
    - Clark, Megan L.
    - Day, Julie H.
    - Wilson, Lisa A.
    - Yates, Rachel L.
- LSCV Board of Directors
  - LSCV Recommendations for Board Appointment
    - Re-election of Luis Perez to another three-year term beginning July 1, 2025.
    - Re-election of Mark E. Rubin to another three-year term beginning July 1, 2025.
    - Re-election of Michael N. Herring another three-year term beginning July 1, 2025.
    - Election/Re-classification of current Class B member Joseph E. Spruill, III as a Class A member to serve the remainder of the term of the Class A seat recently vacated by Tracy Houck, expiring in June 2026.

A motion was made by Patrick Murphrey and seconded by Debra Powers to approve the Nominating Committee's appointment recommendations for the American Bar Association House of Delegates, Clients' Protection Fund Board, and to approve the Committee's appointment recommendations for Council Member at Large and Mandatory Continuing Legal Education Board be sent to the Supreme Court for appointments; and approve the appointment recommendations for the LSCV Board.

The motion passed and Council voted to approve the Nominating Committee's appointment recommendations for the American Bar Association House of Delegates, Clients' Protection Fund Board, and to approve the Committee's appointment recommendations for Council Member at Large and Mandatory Continuing Legal Education Board be sent to the Supreme Court for appointments; and approve the appointment recommendations for the LSCV Board. Members voted using the Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

#### **H. Approval of Recommendations for Disciplinary Board Chair, First, and Second Vice Chair Positions**

Janet Van Cuyk presented a request to approve the Disciplinary Board recommendations for Board Chair, First, and Second Vice-Chair positions. A copy of the memo from David Gogal, chair, Disciplinary Board, dated February 28, 2025, re: Approval of 2025-2026 Disciplinary Board Chair and Vice-Chair recommendations, was included in the materials provided to the Executive Committee.

A motion was made by Bruce Russell and seconded by Gregory Hunter to approve the Board's recommendations to 1.) elevate Jennifer D. Royer, First Vice-Chair; to Chair 2.) elevate Alison G. M. Martin, Second Vice Chair, to First Vice Chair; 3.) designate Adam D. Carroll as Second Vice Chair, to fill the vacancy created by Martin's elevation to First Vice Chair, and to send to Council for approval to petition the Supreme Court.

The motion passed and Council voted unanimously to approve the Board's recommendations to 1.) elevate Jennifer D. Royer, First Vice-Chair; to Chair 2.) elevate Alison G. M. Martin, Second Vice Chair, to First Vice Chair; 3.) designate Adam D. Carroll as Second Vice Chair, to fill the vacancy created by Martin's elevation to First Vice Chair, and to send to the Supreme Court for approval. Member Adam Krischer verbally voted "yes". All other members voted using the Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

**I. Approval of Appointment Recommendations for Disciplinary District Committees**

Cameron Rountree presented a request to Council to approve appointments to the Disciplinary District Committees. A copy of the memo dated February 28-March 1, 2025, re: Request for Approval of Appointments for Disciplinary District Committees was included in the materials provided to the Executive Committee.

A motion was made by Gregory Hunter and seconded by Bruce Russell to vote to approve the following nominees for appointments to disciplinary district committees:

- Third District Committee, Section II
  - Emilee M. Hasbrouck, 14-Henrico
  
- Seventh District Committee
  - Samantha E. Freed, 16-Charlottesville
  
- Ninth District Committee
  - William S. Warren (lay member)

The motion passed and Council approved the nominees for appointments to the disciplinary district committees. Members voted using the Poll Everywhere voting tool. The electronic voting results are appended to these minutes. Member Adam Krischer verbally voted "yes". All other members voted using the Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

**J. Approval of the Amendments to the Environmental Law Section Bylaws**

Mallory Ralston presented a request for approval of the amendments to the Environmental Law Section bylaws. A copy of the memo dated February 28, 2025 re: VSB Section Bylaws Amendments was included in the materials provided to the Executive Committee. Copies of the memo re: Section Bylaws with an overview of the proposed changes were distributed to members prior to the presentation

A motion was made by Debra Powers and seconded by Luis Perez to approve the proposed amendments to the Environmental Law Section bylaws.

The motion passed and Council approved the proposed amendments to the Environmental Law Section bylaws. Member Christine Mougins-Boal verbally voted "yes". All other members voted using the Poll Everywhere voting tool. The electronic voting results are appended to these minutes.

**K. Approval of the Resolution Honoring the Virginia Judges and Lawyers Assistance Program**

Cameron Rountree presented a request to approve a VSB resolution to honor the Virginia Judges and Lawyers Assistance Program for forty years of dedicated service and commitment to the legal community in the Commonwealth of Virginia. A copy of the Resolution was included in the materials provided to Council.

A motion was made by Molly Newton and seconded by Gregory Hunter to approve the VSB Resolution to honor the Virginia Judges and Lawyers Assistance Program.

Council verbally voted “yes” to approve the VSB Resolution to honor the Virginia Judges and Lawyers Assistance Program, and the motion passed.

**L. Adjourn**

There being no other business for the Committee, the meeting was adjourned at 12:23 p.m.

## Are you present at the March 1, 2025, VSB Council Meeting?

Count	Started At (CST)	Screen Name	Response
1	3/1/2025 10:14	Patricia Smith	Yes
2	3/1/2025 10:15	Tom Bell	Yes
3	3/1/2025 10:14	Richard Howard-Smith	Yes
4	3/1/2025 10:14	W. Huntington Byrnes	Yes
5	3/1/2025 10:14	Peter McDermott	Yes
6	3/1/2025 10:14	Bob Walker	Yes
7	3/1/2025 10:14	Hope Townes	Yes
8	3/1/2025 10:14	Adam Krischer	Yes
9	3/1/2025 10:15	Kyle Elliott	Yes
10	3/1/2025 10:14	Brett Marston	Yes
11	3/1/2025 10:14	Nicole Upshur	Yes
12	3/1/2025 10:14	Paul Melnick	Yes
13	3/1/2025 10:14	Overman Rollins	Yes
14	3/1/2025 10:15	Gina Schaecher	Yes
15	3/1/2025 10:14	Gary Davis	Yes
16	3/1/2025 10:14	Molly Newton	Yes
17	3/1/2025 10:14	Mark Dix	Yes
18	3/1/2025 10:14	Kevin W. Holt	Yes
19	3/1/2025 10:14	D Brian Richardson	Yes
20	3/1/2025 10:14	Patrick C. Murphrey	Yes
21	3/1/2025 10:14	Susan Butler	Yes
22	3/1/2025 10:14	Penn Bain	Yes
23	3/1/2025 10:14	Will Egen	Yes
24	3/1/2025 10:14	K Dickerson	Yes
25	3/1/2025 10:14	David Hagan	Yes
26	3/1/2025 10:14	Cullen Seltzer	Yes
27	3/1/2025 10:14	Susie Baker	Yes
28	3/1/2025 10:14	Ann Marie Park	Yes
29	3/1/2025 10:15	Chip nunley	Yes
30	3/1/2025 10:14	Greg Hunter	Yes
31	3/1/2025 10:14	Derek Davis	Yes
32	3/1/2025 10:14	James Hundley	Yes
33	3/1/2025 10:14	Joel McClellan	Yes
34	3/1/2025 10:14	Gifford Hampshire	Yes
35	3/1/2025 10:14	Bruce Russell	Yes
36	3/1/2025 10:14	Adrienne George-Eliades	Yes
37	3/1/2025 10:14	Shameka Rhoades	Yes
38	3/1/2025 10:14	Rex Flynn	Yes
39	3/1/2025 10:14	Lisa Wilson	Yes

<b>Count</b>	<b>Started At (CST)</b>	<b>Screen Name</b>	<b>Response</b>
40	3/1/2025 10:14	Gobind Sethi	Yes
41	3/1/2025 10:14	Sebastian Norton	Yes
42	3/1/2025 10:14	Bradley Fleming	Yes
43	3/1/2025 10:14	Stephanie Grana	Yes
44	3/1/2025 10:15	Christine Mougín-Boal	Yes
45	3/1/2025 10:14	Joanna Suyes	Yes
46	3/1/2025 10:14	Allen Bareford	Yes
47	3/1/2025 10:14	Luis Perez	Yes
48	3/1/2025 10:14	Juli Porto	Yes
49	3/1/2025 10:15	Damian J Hansen	Yes
50	3/1/2025 10:14	Susan Tarley	Yes
51	3/1/2025 10:15	Naveed Kalantar	Yes
52	3/1/2025 10:14	E M Wright Jr	Yes
53	3/1/2025 10:14	Caswell Richardson	Yes
54	3/1/2025 10:14	Debra Powers	Yes
55	3/1/2025 10:15	Chidinma Harley	Yes
56	3/1/2025 10:15	Michael York	Yes
57	3/1/2025 10:14	Tamika Jones	Yes
58	3/1/2025 10:14	Craig E. Ellis	Yes
59	3/1/2025 10:15	Sean Dolan	Yes

**A: Do you approve of the minutes from the October 11, 2024 meeting, as amended?**

**Results Summary**

<b>Response</b>	<b>Count</b>
<b>Yes</b>	56
<b>No</b>	0
<b>Abstain</b>	3
<b>Total</b>	<b>59</b>

<b>Count</b>	<b>Started At (CST)</b>	<b>Screen Name</b>	<b>Response</b>
1	3/1/2025 10:17	Patricia Smith	Abstain
2	3/1/2025 10:16	Peter McDermott	Abstain
3	3/1/2025 10:16	Patrick C. Murphrey	Abstain
4	3/1/2025 10:16	Tom Bell	Yes
5	3/1/2025 10:16	Richard Howard-Smith	Yes
6	3/1/2025 10:16	W. Huntington Byrnes	Yes
7	3/1/2025 10:16	Bob Walker	Yes
8	3/1/2025 10:16	Hope Townes	Yes
9	3/1/2025 10:16	Adam Krischer	Yes
10	3/1/2025 10:16	Kyle Elliott	Yes
11	3/1/2025 10:16	Brett Marston	Yes
12	3/1/2025 10:16	Nicole Upshur	Yes
13	3/1/2025 10:16	Paul Melnick	Yes
14	3/1/2025 10:16	Overman Rollins	Yes
15	3/1/2025 10:16	Gina Schaecher	Yes
16	3/1/2025 10:16	Gary Davis	Yes
17	3/1/2025 10:16	Molly Newton	Yes
18	3/1/2025 10:16	Mark Dix	Yes
19	3/1/2025 10:16	Kevin W. Holt	Yes
20	3/1/2025 10:16	D Brian Richardson	Yes
21	3/1/2025 10:16	Susan Butler	Yes
22	3/1/2025 10:16	Penn Bain	Yes
23	3/1/2025 10:16	Will Egen	Yes
24	3/1/2025 10:16	K Dickerson	Yes
25	3/1/2025 10:16	David Hagan	Yes
26	3/1/2025 10:16	Cullen Seltzer	Yes
27	3/1/2025 10:16	Susie Baker	Yes
28	3/1/2025 10:16	Ann Marie Park	Yes
29	3/1/2025 10:17	Chip nunley	Yes
30	3/1/2025 10:16	Greg Hunter	Yes
31	3/1/2025 10:17	Derek Davis	Yes
32	3/1/2025 10:16	James Hundley	Yes

<b>Count</b>	<b>Started At (CST)</b>	<b>Screen Name</b>	<b>Response</b>
33	3/1/2025 10:16	Joel McClellan	Yes
34	3/1/2025 10:16	Gifford Hampshire	Yes
35	3/1/2025 10:16	Bruce Russell	Yes
36	3/1/2025 10:16	Adrienne George-Eliades	Yes
37	3/1/2025 10:16	Shameka Rhoades	Yes
38	3/1/2025 10:16	Rex Flynn	Yes
39	3/1/2025 10:17	Lisa Wilson	Yes
40	3/1/2025 10:16	Gobind Sethi	Yes
41	3/1/2025 10:17	Sebastian Norton	Yes
42	3/1/2025 10:16	Bradley Fleming	Yes
43	3/1/2025 10:16	Stephanie Grana	Yes
44	3/1/2025 10:16	Christine Mouglin-Boal	Yes
45	3/1/2025 10:16	Joanna Suyes	Yes
46	3/1/2025 10:16	Allen Bareford	Yes
47	3/1/2025 10:16	Luis Perez	Yes
48	3/1/2025 10:16	Juli Porto	Yes
49	3/1/2025 10:16	Damian J Hansen	Yes
50	3/1/2025 10:16	Susan Tarley	Yes
51	3/1/2025 10:16	Naveed Kalantar	Yes
52	3/1/2025 10:16	E M Wright Jr	Yes
53	3/1/2025 10:16	Caswell Richardson	Yes
54	3/1/2025 10:16	Debra Powers	Yes
55	3/1/2025 10:16	Chidinma Harley	Yes
56	3/1/2025 10:16	Michael York	Yes
57	3/1/2025 10:16	Tamika Jones	Yes
58	3/1/2025 10:16	Craig E. Ellis	Yes
59	3/1/2025 10:16	Sean Dolan	Yes

## B: Do you approve of the FY 2026 Proposed Budget?

### Results Summary

Response	Count
Yes	56
No	0
Abstain	0
<b>Total</b>	<b>56</b>

Count	Started At (CST)	Screen Name	Response
1	3/1/2025 10:28	Patricia Smith	Yes
2	3/1/2025 10:28	Tom Bell	Yes
3	3/1/2025 10:28	Richard Howard-Smith	Yes
4	3/1/2025 10:29	Peter McDermott	Yes
5	3/1/2025 10:28	Bob Walker	Yes
6	3/1/2025 10:28	Hope Townes	Yes
7	3/1/2025 10:28	Adam Krischer	Yes
8	3/1/2025 10:29	Kyle Elliott	Yes
9	3/1/2025 10:28	Brett Marston	Yes
10	3/1/2025 10:29	Nicole Upshur	Yes
11	3/1/2025 10:28	Paul Melnick	Yes
12	3/1/2025 10:29	Gina Schaecher	Yes
13	3/1/2025 10:28	Gary Davis	Yes
14	3/1/2025 10:28	Molly Newton	Yes
15	3/1/2025 10:28	Mark Dix	Yes
16	3/1/2025 10:28	Kevin W. Holt	Yes
17	3/1/2025 10:28	D Brian Richardson	Yes
18	3/1/2025 10:28	Susan Butler	Yes
19	3/1/2025 10:28	Penn Bain	Yes
20	3/1/2025 10:29	Will Egen	Yes
21	3/1/2025 10:28	K Dickerson	Yes
22	3/1/2025 10:28	David Hagan	Yes
23	3/1/2025 10:29	Cullen Seltzer	Yes
24	3/1/2025 10:29	Susie Baker	Yes
25	3/1/2025 10:29	Ann Marie Park	Yes
26	3/1/2025 10:29	Chip nunley	Yes
27	3/1/2025 10:29	Greg Hunter	Yes
28	3/1/2025 10:29	Derek Davis	Yes
29	3/1/2025 10:28	James Hundley	Yes
30	3/1/2025 10:29	Joel McClellan	Yes
31	3/1/2025 10:28	Gifford Hampshire	Yes
32	3/1/2025 10:28	Bruce Russell	Yes
33	3/1/2025 10:28	Adrienne George-Eliades	Yes

<b>Count</b>	<b>Started At (CST)</b>	<b>Screen Name</b>	<b>Response</b>
34	3/1/2025 10:29	Rex Flynn	Yes
35	3/1/2025 10:29	Lisa Wilson	Yes
36	3/1/2025 10:28	Gobind Sethi	Yes
37	3/1/2025 10:28	Sebastian Norton	Yes
38	3/1/2025 10:28	Bradley Fleming	Yes
39	3/1/2025 10:28	Stephanie Grana	Yes
40	3/1/2025 10:28	Christine Mougín-Boal	Yes
41	3/1/2025 10:28	Joanna Suyes	Yes
42	3/1/2025 10:28	Allen Bareford	Yes
43	3/1/2025 10:28	Luis Perez	Yes
44	3/1/2025 10:28	Juli Porto	Yes
45	3/1/2025 10:28	Damian J Hansen	Yes
46	3/1/2025 10:28	Susan Tarley	Yes
47	3/1/2025 10:28	Naveed Kalantar	Yes
48	3/1/2025 10:29	E M Wright Jr	Yes
49	3/1/2025 10:28	Caswell Richardson	Yes
50	3/1/2025 10:29	Debra Powers	Yes
51	3/1/2025 10:28	Chidinma Harley	Yes
52	3/1/2025 10:29	Michael York	Yes
53	3/1/2025 10:29	Tamika Jones	Yes
54	3/1/2025 10:28	Craig E. Ellis	Yes
55	3/1/2025 10:28	Sean Dolan	Yes
56	3/1/2025 10:28	Patrick C. Murphrey	Yes

**D: Do you approve the proposed amendments to Rule 3 (f) regarding Emeritus class of membership, as amended?**

**Results Summary**

<b>Response</b>	<b>Count</b>
<b>Yes</b>	<b>57</b>
<b>No</b>	<b>0</b>
<b>Abstain</b>	<b>0</b>
<b>Total</b>	<b>57</b>

<b>Count</b>	<b>Started At (CST)</b>	<b>Screen Name</b>	<b>Response</b>
1	3/1/2025 10:44	Patricia Smith	yes
2	3/1/2025 10:44	Tom Bell	Yes
3	3/1/2025 10:44	Richard Howard-Smith	Yes
4	3/1/2025 10:44	Bob Walker	Yes
5	3/1/2025 10:44	Hope Townes	Yes
6	3/1/2025 10:44	Adam Krischer	Yes
7	3/1/2025 10:44	Kyle Elliott	Yes
8	3/1/2025 10:44	Brett Marston	Yes
9	3/1/2025 10:44	Nicole Upshur	Yes
10	3/1/2025 10:44	Paul Melnick	Yes
11	3/1/2025 10:44	Gina Schaecher	Yes
12	3/1/2025 10:44	Gary Davis	Yes
13	3/1/2025 10:44	Molly Newton	Yes
14	3/1/2025 10:44	Mark Dix	Yes
15	3/1/2025 10:44	Kevin W. Holt	Yes
16	3/1/2025 10:44	D Brian Richardson	Yes
17	3/1/2025 10:44	Susan Butler	Yes
18	3/1/2025 10:44	Penn Bain	Yes
19	3/1/2025 10:44	K Dickerson	Yes
20	3/1/2025 10:44	David Hagan	Yes
21	3/1/2025 10:44	Cullen Seltzer	Yes
22	3/1/2025 10:44	Susie Baker	Yes
23	3/1/2025 10:44	Ann Marie Park	Yes
24	3/1/2025 10:44	Chip nunley	Yes
25	3/1/2025 10:44	Greg Hunter	Yes
26	3/1/2025 10:44	Derek Davis	Yes
27	3/1/2025 10:44	James Hundley	Yes
28	3/1/2025 10:44	Joel McClellan	Yes
29	3/1/2025 10:44	Gifford Hampshire	Yes
30	3/1/2025 10:44	Bruce Russell	Yes
31	3/1/2025 10:44	Adrienne George-Eliades	Yes

<b>Count</b>	<b>Started At (CST)</b>	<b>Screen Name</b>	<b>Response</b>
32	3/1/2025 10:44	Rex Flynn	Yes
33	3/1/2025 10:44	Lisa Wilson	Yes
34	3/1/2025 10:44	Gobind Sethi	Yes
35	3/1/2025 10:44	Sebastian Norton	Yes
36	3/1/2025 10:44	Stephanie Grana	Yes
37	3/1/2025 10:44	Christine Mougín-Boal	Yes
38	3/1/2025 10:44	Joanna Suyes	Yes
39	3/1/2025 10:44	Allen Bareford	Yes
40	3/1/2025 10:44	Luis Perez	Yes
41	3/1/2025 10:44	Juli Porto	Yes
42	3/1/2025 10:44	Damian J Hansen	Yes
43	3/1/2025 10:44	Susan Tarley	Yes
44	3/1/2025 10:44	Naveed Kalantar	Yes
45	3/1/2025 10:44	E M Wright Jr	Yes
46	3/1/2025 10:44	Caswell Richardson	Yes
47	3/1/2025 10:44	Debra Powers	Yes
48	3/1/2025 10:44	Chidinma Harley	Yes
49	3/1/2025 10:44	Michael York	Yes
50	3/1/2025 10:44	Tamika Jones	Yes
51	3/1/2025 10:44	Craig E. Ellis	Yes
52	3/1/2025 10:44	Sean Dolan	Yes
53	3/1/2025 10:44	Patrick C. Murphrey	Yes
54	3/1/2025 10:44	Shameka Rhoades	Yes
55	3/1/2025 10:44	Overman Rollins	Yes
56	3/1/2025 10:44	Will Egen	Yes
57	3/1/2025 10:44	Dale Pittman	Yes

## E: Do you approve of the amendments to RPC 1.5(g)?

### Results Summary

Response	Count
Yes	45
No	11
Abstain	1
Total	57

Count	Started At (CST)	Screen Name	Response
1	3/1/2025 10:59	Patricia Smith	Yes
2	3/1/2025 10:58	Tom Bell	Yes
3	3/1/2025 10:58	Richard Howard-Smith	Yes
4	3/1/2025 10:58	Bob Walker	Yes
5	3/1/2025 10:58	Adam Krischer	Yes
6	3/1/2025 10:59	Kyle Elliott	Yes
7	3/1/2025 10:58	Brett Marston	Yes
8	3/1/2025 10:59	Nicole Upshur	Yes
9	3/1/2025 10:59	Paul Melnick	Yes
10	3/1/2025 10:59	Gina Schaecher	Yes
11	3/1/2025 10:58	Gary Davis	Yes
12	3/1/2025 10:58	Kevin W. Holt	Yes
13	3/1/2025 10:59	Penn Bain	Yes
14	3/1/2025 10:58	K Dickerson	Yes
15	3/1/2025 10:58	Cullen Seltzer	Yes
16	3/1/2025 10:58	Susie Baker	Yes
17	3/1/2025 10:59	Ann Marie Park	Yes
18	3/1/2025 10:59	Chip nunley	Yes
19	3/1/2025 10:59	Greg Hunter	Yes
20	3/1/2025 10:59	Derek Davis	Yes
21	3/1/2025 10:58	James Hundley	Yes
22	3/1/2025 10:58	Joel McClellan	Yes
23	3/1/2025 10:58	Gifford Hampshire	Yes
24	3/1/2025 10:59	Bruce Russell	Yes
25	3/1/2025 10:58	Adrienne George-Eliades	Yes
26	3/1/2025 10:58	Lisa Wilson	Yes
27	3/1/2025 10:58	Sebastian Norton	Yes
28	3/1/2025 10:59	Stephanie Grana	Yes
29	3/1/2025 10:58	Christine Mougín-Boal	Yes
30	3/1/2025 10:59	Joanna Suyes	Yes
31	3/1/2025 10:58	Allen Bareford	Yes
32	3/1/2025 10:58	Juli Porto	Yes
33	3/1/2025 10:58	Damian J Hansen	Yes
34	3/1/2025 10:58	Susan Tarley	Yes

<b>Count</b>	<b>Started At (CST)</b>	<b>Screen Name</b>	<b>Response</b>
35	3/1/2025 10:59	Naveed Kalantar	Yes
36	3/1/2025 10:58	E M Wright Jr	Yes
37	3/1/2025 10:58	Caswell Richardson	Yes
38	3/1/2025 10:59	Craig E. Ellis	Yes
39	3/1/2025 10:58	Sean Dolan	Yes
40	3/1/2025 10:58	Patrick C. Murphrey	Yes
41	3/1/2025 10:58	Overman Rollins	Yes
42	3/1/2025 10:59	Will Egen	Yes
43	3/1/2025 10:58	Dale Pittman	Yes
44	3/1/2025 10:58	Susan Butler	Yes
45	3/1/2025 10:59	Michael York	Yes
46	3/1/2025 10:58	Peter McDermott	No
47	3/1/2025 10:59	Hope Townes	No
48	3/1/2025 10:59	Molly Newton	No
49	3/1/2025 10:58	Mark Dix	No
50	3/1/2025 10:59	D Brian Richardson	No
51	3/1/2025 10:58	Rex Flynn	No
52	3/1/2025 10:59	Luis Perez	No
53	3/1/2025 10:59	Debra Powers	No
54	3/1/2025 10:58	Chidinma Harley	No
55	3/1/2025 10:59	Tamika Jones	No
56	3/1/2025 10:58	Shameka Rhoades	No
57	3/1/2025 10:59	David Hagan	Abstain

## F: Do you approve of the amendments to RPC 6.5?

### Results Summary

Response	Count
Yes	54
No	2
Abstain	0
<b>Total</b>	<b>56</b>

Count	Started At (CST)	Screen Name	Response
1	3/1/2025 11:03	Patricia Smith	Yes
2	3/1/2025 11:03	Tom Bell	Yes
3	3/1/2025 11:03	Richard Howard-Smith	Yes
4	3/1/2025 11:03	Peter McDermott	Yes
5	3/1/2025 11:03	Bob Walker	Yes
6	3/1/2025 11:03	Hope Townes	Yes
7	3/1/2025 11:03	Adam Krischer	Yes
8	3/1/2025 11:03	Kyle Elliott	Yes
9	3/1/2025 11:03	Brett Marston	Yes
10	3/1/2025 11:03	Nicole Upshur	Yes
11	3/1/2025 11:03	Paul Melnick	Yes
12	3/1/2025 11:03	Gina Schaecher	Yes
13	3/1/2025 11:03	Gary Davis	Yes
14	3/1/2025 11:03	Molly Newton	Yes
15	3/1/2025 11:03	Mark Dix	Yes
16	3/1/2025 11:03	Kevin W. Holt	Yes
17	3/1/2025 11:03	D Brian Richardson	Yes
18	3/1/2025 11:03	Penn Bain	Yes
19	3/1/2025 11:03	K Dickerson	Yes
20	3/1/2025 11:03	David Hagan	Yes
21	3/1/2025 11:03	Cullen Seltzer	Yes
22	3/1/2025 11:03	Susie Baker	Yes
23	3/1/2025 11:03	Ann Marie Park	Yes
24	3/1/2025 11:03	Chip nunley	Yes
25	3/1/2025 11:03	Greg Hunter	Yes
26	3/1/2025 11:03	Derek Davis	Yes
27	3/1/2025 11:03	Joel McClellan	Yes
28	3/1/2025 11:03	Gifford Hampshire	Yes
29	3/1/2025 11:03	Bruce Russell	Yes
30	3/1/2025 11:03	Adrienne George-Eliades	Yes
31	3/1/2025 11:03	Rex Flynn	Yes
32	3/1/2025 11:03	Lisa Wilson	Yes
33	3/1/2025 11:03	Sebastian Norton	Yes
34	3/1/2025 11:03	Stephanie Grana	Yes

<b>Count</b>	<b>Started At (CST)</b>	<b>Screen Name</b>	<b>Response</b>
35	3/1/2025 11:03	Christine Mougín-Boal	Yes
36	3/1/2025 11:03	Joanna Suyes	Yes
37	3/1/2025 11:03	Luis Perez	Yes
38	3/1/2025 11:03	Juli Porto	Yes
39	3/1/2025 11:03	Damian J Hansen	Yes
40	3/1/2025 11:03	Susan Tarley	Yes
41	3/1/2025 11:03	Naveed Kalantar	Yes
42	3/1/2025 11:03	E M Wright Jr	Yes
43	3/1/2025 11:04	Caswell Richardson	Yes
44	3/1/2025 11:03	Debra Powers	Yes
45	3/1/2025 11:03	Chidinma Harley	Yes
46	3/1/2025 11:03	Tamika Jones	Yes
47	3/1/2025 11:03	Sean Dolan	Yes
48	3/1/2025 11:03	Patrick C. Murphrey	Yes
49	3/1/2025 11:03	Shameka Rhoades	Yes
50	3/1/2025 11:03	Overman Rollins	Yes
51	3/1/2025 11:03	Will Egen	Yes
52	3/1/2025 11:03	Dale Pittman	Yes
53	3/1/2025 11:03	Michael York	Yes
54	3/1/2025 11:03	Susan Butler	Yes
55	3/1/2025 11:03	James Hundley	No
56	3/1/2025 11:03	Allen Bareford	No

## G: Do you approve of the Nominating Committee Recommendations?

### Results Summary

Response	Count
Yes	51
No	2
Abstain	3
Total	<b>56</b>

Count	Started At (CST)	Screen Name	Response
1	3/1/2025 11:09	David Hagan	Abstain
2	3/1/2025 11:09	Susie Baker	Abstain
3	3/1/2025 11:10	Luis Perez	Abstain
4	3/1/2025 11:09	James Hundley	No
5	3/1/2025 11:10	Caswell Richardson	No
6	3/1/2025 11:09	Patricia Smith	Yes
7	3/1/2025 11:09	Tom Bell	Yes
8	3/1/2025 11:09	Richard Howard-Smith	Yes
9	3/1/2025 11:09	Peter McDermott	Yes
10	3/1/2025 11:09	Bob Walker	Yes
11	3/1/2025 11:09	Hope Townes	Yes
12	3/1/2025 11:10	Adam Krischer	Yes
13	3/1/2025 11:09	Kyle Elliott	Yes
14	3/1/2025 11:09	Brett Marston	Yes
15	3/1/2025 11:09	Nicole Upshur	Yes
16	3/1/2025 11:09	Paul Melnick	Yes
17	3/1/2025 11:10	Gina Schaecher	Yes
18	3/1/2025 11:09	Gary Davis	Yes
19	3/1/2025 11:09	Molly Newton	Yes
20	3/1/2025 11:09	Mark Dix	Yes
21	3/1/2025 11:09	Kevin W. Holt	Yes
22	3/1/2025 11:09	D Brian Richardson	Yes
23	3/1/2025 11:09	Penn Bain	Yes
24	3/1/2025 11:09	K Dickerson	Yes
25	3/1/2025 11:10	Cullen Seltzer	Yes
26	3/1/2025 11:09	Ann Marie Park	Yes
27	3/1/2025 11:09	Chip nunley	Yes
28	3/1/2025 11:09	Greg Hunter	Yes
29	3/1/2025 11:10	Derek Davis	Yes
30	3/1/2025 11:09	Joel McClellan	Yes
31	3/1/2025 11:10	Gifford Hampshire	Yes
32	3/1/2025 11:09	Adrienne George-Eliades	Yes
33	3/1/2025 11:10	Rex Flynn	Yes
34	3/1/2025 11:09	Lisa Wilson	Yes

<b>Count</b>	<b>Started At (CST)</b>	<b>Screen Name</b>	<b>Response</b>
35	3/1/2025 11:09	Sebastian Norton	Yes
36	3/1/2025 11:09	Stephanie Grana	Yes
37	3/1/2025 11:10	Christine Mougjin-Boal	Yes
38	3/1/2025 11:09	Joanna Suyes	Yes
39	3/1/2025 11:09	Allen Bareford	Yes
40	3/1/2025 11:10	Juli Porto	Yes
41	3/1/2025 11:09	Damian J Hansen	Yes
42	3/1/2025 11:09	Susan Tarley	Yes
43	3/1/2025 11:09	Naveed Kalantar	Yes
44	3/1/2025 11:09	E M Wright Jr	Yes
45	3/1/2025 11:09	Debra Powers	Yes
46	3/1/2025 11:09	Chidinma Harley	Yes
47	3/1/2025 11:09	Tamika Jones	Yes
48	3/1/2025 11:09	Craig E. Ellis	Yes
49	3/1/2025 11:09	Sean Dolan	Yes
50	3/1/2025 11:09	Patrick C. Murphrey	Yes
51	3/1/2025 11:09	Shameka Rhoades	Yes
52	3/1/2025 11:09	Overman Rollins	Yes
53	3/1/2025 11:09	Will Egen	Yes
54	3/1/2025 11:09	Dale Pittman	Yes
55	3/1/2025 11:09	Susan Butler	Yes
56	3/1/2025 11:09	Bruce Russell II	Yes

## H: Do you approve of the Disciplinary Board Chair and First- and Second-Vice Chair positions?

### Results Summary

#### Response Count

Yes 56

No 0

Abstain 0

Total **56**

Count	Started At (CST)	Screen Name	Response
1	3/1/2025 11:12	Patricia Smith	Yes
2	3/1/2025 11:12	Tom Bell	Yes
3	3/1/2025 11:12	Richard Howard-Smith	Yes
4	3/1/2025 11:12	Bob Walker	Yes
5	3/1/2025 11:12	Hope Townes	Yes
6	3/1/2025 11:13	Adam Krischer	Yes
7	3/1/2025 11:12	Kyle Elliott	Yes
8	3/1/2025 11:13	Brett Marston	Yes
9	3/1/2025 11:12	Nicole Upshur	Yes
10	3/1/2025 11:12	Paul Melnick	Yes
11	3/1/2025 11:12	Gina Schaecher	Yes
12	3/1/2025 11:12	Gary Davis	Yes
13	3/1/2025 11:12	Molly Newton	Yes
14	3/1/2025 11:12	Mark Dix	Yes
15	3/1/2025 11:13	Kevin W. Holt	Yes
16	3/1/2025 11:12	D Brian Richardson	Yes
17	3/1/2025 11:12	Penn Bain	Yes
18	3/1/2025 11:12	K Dickerson	Yes
19	3/1/2025 11:12	David Hagan	Yes
20	3/1/2025 11:12	Cullen Seltzer	Yes
21	3/1/2025 11:13	Susie Baker	Yes
22	3/1/2025 11:12	Ann Marie Park	Yes
23	3/1/2025 11:12	Chip nunley	Yes
24	3/1/2025 11:12	Derek Davis	Yes
25	3/1/2025 11:12	Joel McClellan	Yes
26	3/1/2025 11:12	Gifford Hampshire	Yes
27	3/1/2025 11:12	Adrienne George-Eliades	Yes
28	3/1/2025 11:13	Rex Flynn	Yes
29	3/1/2025 11:13	Lisa Wilson	Yes
30	3/1/2025 11:12	Sebastian Norton	Yes
31	3/1/2025 11:13	Stephanie Grana	Yes
32	3/1/2025 11:12	Christine Mougjin-Boal	Yes

<b>Count</b>	<b>Started At (CST)</b>	<b>Screen Name</b>	<b>Response</b>
33	3/1/2025 11:13	Joanna Suyes	Yes
34	3/1/2025 11:12	Allen Bareford	Yes
35	3/1/2025 11:13	Luis Perez	Yes
36	3/1/2025 11:12	Juli Porto	Yes
37	3/1/2025 11:12	Damian J Hansen	Yes
38	3/1/2025 11:12	Susan Tarley	Yes
39	3/1/2025 11:12	Naveed Kalantar	Yes
40	3/1/2025 11:13	E M Wright Jr	Yes
41	3/1/2025 11:12	Caswell Richardson	Yes
42	3/1/2025 11:12	Debra Powers	Yes
43	3/1/2025 11:13	Chidinma Harley	Yes
44	3/1/2025 11:12	Tamika Jones	Yes
45	3/1/2025 11:12	Craig E. Ellis	Yes
46	3/1/2025 11:12	Sean Dolan	Yes
47	3/1/2025 11:12	Patrick C. Murphrey	Yes
48	3/1/2025 11:13	Shameka Rhoades	Yes
49	3/1/2025 11:12	Overman Rollins	Yes
50	3/1/2025 11:13	Will Egen	Yes
51	3/1/2025 11:13	Dale Pittman	Yes
52	3/1/2025 11:12	Michael York	Yes
53	3/1/2025 11:12	Susan Butler	Yes
54	3/1/2025 11:13	Bruce Russell II	Yes

## I: Do you approve of the Appointments for Disciplinary District Committees?

### Results Summary

Response	Count
Yes	54
No	0
Abstain	0
Total	<b>54</b>

Response #	Started At (CST)	Screen Name	Response
1	3/1/2025 11:15	Patricia Smith	Yes
2	3/1/2025 11:15	Tom Bell	Yes
3	3/1/2025 11:15	Richard Howard-Smith	Yes
4	3/1/2025 11:15	Peter McDermott	Yes
5	3/1/2025 11:15	Bob Walker	Yes
6	3/1/2025 11:15	Hope Townes	Yes
7	3/1/2025 11:15	Adam Krischer	Yes
8	3/1/2025 11:16	Kyle Elliott	Yes
9	3/1/2025 11:15	Brett Marston	Yes
10	3/1/2025 11:16	Nicole Upshur	Yes
11	3/1/2025 11:16	Paul Melnick	Yes
12	3/1/2025 11:15	Gina Schaecher	Yes
13	3/1/2025 11:15	Gary Davis	Yes
14	3/1/2025 11:15	Molly Newton	Yes
15	3/1/2025 11:15	Mark Dix	Yes
16	3/1/2025 11:16	Kevin W. Holt	Yes
17	3/1/2025 11:15	D Brian Richardson	Yes
18	3/1/2025 11:15	Penn Bain	Yes
19	3/1/2025 11:16	K Dickerson	Yes
20	3/1/2025 11:15	David Hagan	Yes
21	3/1/2025 11:16	Cullen Seltzer	Yes
22	3/1/2025 11:15	Susie Baker	Yes
23	3/1/2025 11:15	Ann Marie Park	Yes
24	3/1/2025 11:15	Chip nunley	Yes
25	3/1/2025 11:15	Greg Hunter	Yes
26	3/1/2025 11:15	Derek Davis	Yes
27	3/1/2025 11:15	James Hundley	Yes
28	3/1/2025 11:15	Joel McClellan	Yes
29	3/1/2025 11:15	Gifford Hampshire	Yes
30	3/1/2025 11:15	Adrienne George-Eliades	Yes
31	3/1/2025 11:15	Rex Flynn	Yes
32	3/1/2025 11:16	Lisa Wilson	Yes

<b>Response #</b>	<b>Started At (CST)</b>	<b>Screen Name</b>	<b>Response</b>
33	3/1/2025 11:15	Sebastian Norton	Yes
34	3/1/2025 11:15	Christine Mougín-Boal	Yes
35	3/1/2025 11:16	Joanna Suyes	Yes
36	3/1/2025 11:15	Allen Bareford	Yes
37	3/1/2025 11:15	Luis Perez	Yes
38	3/1/2025 11:15	Juli Porto	Yes
39	3/1/2025 11:15	Damian J Hansen	Yes
40	3/1/2025 11:15	Susan Tarley	Yes
41	3/1/2025 11:15	E M Wright Jr	Yes
42	3/1/2025 11:15	Debra Powers	Yes
43	3/1/2025 11:16	Chidinma Harley	Yes
44	3/1/2025 11:15	Tamika Jones	Yes
45	3/1/2025 11:16	Craig E. Ellis	Yes
46	3/1/2025 11:15	Sean Dolan	Yes
47	3/1/2025 11:15	Patrick C. Murphrey	Yes
48	3/1/2025 11:15	Shameka Rhoades	Yes
49	3/1/2025 11:15	Overman Rollins	Yes
50	3/1/2025 11:15	Will Egen	Yes
51	3/1/2025 11:15	Dale Pittman	Yes
52	3/1/2025 11:15	Michael York	Yes
53	3/1/2025 11:15	Susan Butler	Yes
54	3/1/2025 11:15	Bruce Russell II	Yes

## J: Do you approve of the amendments to Section bylaws?

### Results Summary

Response	Count
Yes	53
No	0
Abstain	0
Total	<b>53</b>

Response #	Started At (CST)	Screen Name	Response
1	3/1/2025 11:20	Patricia Smith	Yes
2	3/1/2025 11:20	Tom Bell	Yes
3	3/1/2025 11:20	Richard Howard-Smith	Yes
4	3/1/2025 11:20	Peter McDermott	Yes
5	3/1/2025 11:20	Bob Walker	Yes
6	3/1/2025 11:20	Hope Townes	Yes
7	3/1/2025 11:20	Adam Krischer	Yes
8	3/1/2025 11:20	Kyle Elliott	Yes
9	3/1/2025 11:20	Brett Marston	Yes
10	3/1/2025 11:20	Nicole Upshur	Yes
11	3/1/2025 11:20	Paul Melnick	Yes
12	3/1/2025 11:20	Gina Schaecher	Yes
13	3/1/2025 11:20	Gary Davis	Yes
14	3/1/2025 11:20	Molly Newton	Yes
15	3/1/2025 11:20	Mark Dix	Yes
16	3/1/2025 11:20	Kevin W. Holt	Yes
17	3/1/2025 11:20	D Brian Richardson	Yes
18	3/1/2025 11:20	Penn Bain	Yes
19	3/1/2025 11:20	K Dickerson	Yes
20	3/1/2025 11:20	David Hagan	Yes
21	3/1/2025 11:20	Cullen Seltzer	Yes
22	3/1/2025 11:20	Susie Baker	Yes
23	3/1/2025 11:20	Ann Marie Park	Yes
24	3/1/2025 11:20	Chip nunley	Yes
25	3/1/2025 11:20	Greg Hunter	Yes
26	3/1/2025 11:20	Derek Davis	Yes
27	3/1/2025 11:20	Joel McClellan	Yes
28	3/1/2025 11:20	Adrienne George-Eliades	Yes
29	3/1/2025 11:20	Rex Flynn	Yes
30	3/1/2025 11:20	Lisa Wilson	Yes
31	3/1/2025 11:20	Sebastian Norton	Yes
32	3/1/2025 11:20	Stephanie Grana	Yes

<b>Response #</b>	<b>Started At (CST)</b>	<b>Screen Name</b>	<b>Response</b>
33	3/1/2025 11:20	Joanna Suyes	Yes
34	3/1/2025 11:20	Allen Bareford	Yes
35	3/1/2025 11:20	Luis Perez	Yes
36	3/1/2025 11:20	Juli Porto	Yes
37	3/1/2025 11:20	Damian J Hansen	Yes
38	3/1/2025 11:20	Susan Tarley	Yes
39	3/1/2025 11:20	Naveed Kalantar	Yes
40	3/1/2025 11:20	E M Wright Jr	Yes
41	3/1/2025 11:20	Caswell Richardson	Yes
42	3/1/2025 11:20	Debra Powers	Yes
43	3/1/2025 11:20	Chidinma Harley	Yes
44	3/1/2025 11:20	Tamika Jones	Yes
45	3/1/2025 11:20	Craig E. Ellis	Yes
46	3/1/2025 11:20	Sean Dolan	Yes
47	3/1/2025 11:20	Patrick C. Murphrey	Yes
48	3/1/2025 11:20	Shameka Rhoades	Yes
49	3/1/2025 11:20	Overman Rollins	Yes
50	3/1/2025 11:20	Will Egen	Yes
51	3/1/2025 11:20	Michael York	Yes
52	3/1/2025 11:20	Susan Butler	Yes
53	3/1/2025 11:20	Bruce Russell II	Yes

# TAB 12



# Virginia State Bar

1111 E. Main Street, Suite 700  
Richmond, Virginia 23219-0026  
Telephone: (804) 775-0500

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**To:** The Virginia State Bar Executive Committee and Council

**From:** Michael K. York, President

**Date:** June 11, 2025

**Re:** Request for Approval to Engage in Legislative Activity to Amend Va. Code § 54.1-3912 in the 2026 General Assembly Session

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## I. Action Requested:

Pursuant to Part 6, Section IV, Paragraph 9 of the Rules of the Supreme Court of Virginia (Paragraph 9), the Virginia State Bar (VSB) respectfully requests approval to engage in legislative activity to amend Va. Code § 54.1-3912 in the 2026 General Assembly Session.

Va. Code § 54.1-3912, last amended in 1995, imposes a statutory cap of \$250 on the VSB's dues assessment, and the rate assessed has remained unchanged since 2000. Since that time, the VSB has had increased costs due to employee salaries and raises, technology expenses, inflation, and increased rent and is operating on a deficit budget.

The VSB proposes to request the General Assembly to remove or, alternatively, to raise the statutory maximum for the annual dues. This statutory change would allow the Supreme Court of Virginia greater flexibility, pursuant to Part 6, Section IV, Paragraph 11 of the Rules of the Supreme Court of Virginia, to set the rate of the VSB annual dues and to adjust dues to align with economic conditions and operational requirements.

## II. Background

### A. Statutory Dues Cap

Va. Code § 54.1-3912 (Fees) states:

*The Supreme Court may promulgate rules and regulations fixing a schedule of fees to be paid by members of the Virginia State Bar for the purpose of*

*administering this article, and providing for the collection and disbursement of such fees; but the annual fees to be paid by any attorney shall not exceed \$250.*

This statute was last amended in 1995 when the statutory maximum allowance for VSB dues was reduced from \$300 to \$250.<sup>1</sup>

### **B. Council's Authority**

Paragraph 9 vests Council with the “general charge of the administration of the [VSB’s] affairs.” Subsection (f) authorizes Council “to make allocations of funds within the amounts available” and subsection (j) empowers Council “to regulate the legal profession” and “to improve the quality of the legal services made available to the people of Virginia.”

### **C. Economic Conditions Since 2000**

The proposed statutory change seeks to ensure the VSB’s financial stability and sustainability, enabling it to better serve Virginia’s legal community and the public. The key reasons supporting this amendment include:

- Flat Dues for 25 Years: Dues have not increased since 2000 (and were decreased for four years from 2012 through 2015) and rank among the lowest in the nation (6<sup>th</sup> lowest of 33 unified bars nationwide).
- Increased Member Benefits: Over this period, the VSB has enhanced lawyer benefits by introducing the free Malpractice Avoidance Hotline, free legal research software, free trust accounting and billing software, and access to free trainings and CLEs.
- Cost-Savings Measures: The VSB has implemented various efficiencies (e.g., reduced personnel to a 24 percent lower staff-to-member ratio compared to 2000) while maximizing other sources of revenue (e.g., increased MCLE sponsor course application fees).
- Rising Costs: Expenses related to salaries, technology, inflation, and rent have significantly increased, outpacing the VSB’s revenue.
- Financial Viability: A membership dues increase will avoid VSB insolvency in FY 30.

If the General Assembly amends Va. Code § 54.1-3912, the VSB plans to request the Court’s approval for an annual dues increase limited to the amount necessary to balance total revenue with necessary expenses. Based on current budget projections, the VSB anticipates requesting an increase of no more than 20 percent to the current \$250 dues assessment. Any such request would be subject to a separate public comment period and approval through Council before petitioning the Court.

---

<sup>1</sup> See [HB 1812](#), 1995, Va. Acts c. 15, passed unanimously by both Chambers of the General Assembly.

### III. Publication and Comment

On March 3, 2025, a request for public comment on the proposed legislative activity was posted on the VSB website. The public comment period was open from March 3, 2025 through May 20, 2025. The VSB news item, “VSB Seeks Public Comment on Legislative Activity to Amend § 54.1-3912,” posted March 3, 2025, is attached as **Attachment A**.

**Total Comments Received:**<sup>2</sup> 24 comments were received from 23 commenters. A breakdown by position finds:

- 4 comments were in opposition,
- 17 commenters and 18 comments were in support, and
- 2 comments proposed suggestions but did not take a position on whether the VSB should engage in legislative activity.

The comments are provided in the table below, and the full comments, as received from the commenters, are attached as **Attachment B**.

#### A. Comments Opposed:

Name	Comment
<p><b>Orran L. Brown, Sr.</b> BrownGreer, PLC 250 Rocketts Way Richmond, VA 23231</p>	<p>I oppose any change to this statute that could lead to higher VSB dues for any Virginia lawyer. We lawyers in Virginia receive no support or help from the State Bar in any respect. We get nothing back in a positive way for the dues we already are required to pay. Instead, the VSB treats its lawyers as the enemy. Constant threats about paying dues and having to submit CLE hours. Punishments handed out to lawyers that do nothing to improve their performance or the profession. The CLE requirement is just a racket providing a source of income to CLE providers who charge high rates for useless programs. That requirement merely creates a business market for those sellers.</p> <p>There can be no justification for the dues we pay, much less any possible increase.</p>
<p><b>Susan Harris</b></p>	<p>I am against any sort of increase in dues. They are too high as it is and a burden for those who do not work for the government.</p>
<p><b>Ryan Hershey</b></p>	<p>Many attorneys cannot afford this. This is paramount to extortion to be able to practice our vocation. I strongly object to any increase.</p>
<p><b>Doug Welty</b></p>	<p>I OPPOSE any expenditure of VSB time or resources on lobbying the General Assembly to increase the bar dues cap. This effort should be left to individual members, if we believe we are being inadequately served.</p> <p>If resources are becoming an issue, I suggest cutting out the printed glossy Bar magazine and the funds and other resources allocated to Sections for printed newsletters and annual dinners. These should be things of the past. In addition, the Annual Meeting should be self-supported by user fees.</p>

<sup>2</sup> Three comments were received after the public comment period closed. These are included in the table and appendix with an asterisk indicating receipt after the public comment period closed.

## B. Comments in Support

Name	Comment
<p><b>Lily Engle</b> Assistant Secretary and Deputy General Counsel The Conservation Fund</p>	<p>I support the proposed amendment. The benefits our Bar dues provide and the need for more resources by the (very hard working) Bar outweigh any negative effects of an increase in fees, especially when you amortize the annual amount into a monthly cost. Yes, many of us have strained finances, but we probably spend far more than that amount on coffee or lunch out.</p>
<p><b>Matthew Morrison</b></p>	<p>Understanding the ever-increasing costs of doing business, I think a modest increase in bar dues is understandable and not unreasonable. I would certainly leave it to the discretion of the SCV to determine the appropriate amount that would promote economic efficiency while still holding some pride that Virginia lawyers are not gouged like other jurisdictions.</p> <p>I would like to suggest, however, that the VSB consider a dues structure that would allow attorneys to pay multiple years of bar dues at a slightly discounted rate. For example, should dues be raised to \$300/yr, consider allowing attorneys to pay five years of dues at a time for \$1250 instead of \$1500 for all five years. I am confident that many lawyers would choose that option (tax purposes) and the VSB would see increased long-term liquidity.</p>
<p><b>August Bequai</b> McLean, VA 22102</p>	<p>I wholeheartedly support the proposal to amend the above. It is unrealistic to assume that a \$250 cap on annual dues serves either the VSB needs or those of the public that we serve. Dues need to be increased in line with the realities of the real world we operate in.</p>
<p><b>August Bequai</b> McLean, VA 22102</p>	<p>The proposal makes sense and I fully support it. I have not witnessed any abuses by the VSB when it comes to the use of membership dues. A raise in dues is needed.</p>
<p><b>Cullen D. Seltzer</b> Sands Anderson PC PO Box 1998 Richmond, VA 23218-1998</p>	<p>I write in support of VSB engaging in legislative activity to amend the statutory maximum for dues paid to the VSB.</p> <p>For 25 years, dues for Bar members have been flat though the demands on the Bar for services to the public and to the lawyers it regulates have grown. The Bar has been a good steward of dues and its reserves but twenty-five years of change in our industry and growing costs have combined to make the dues established long ago inadequate today.</p> <p>I doubt there are any practitioners in Virginia whose income, expenses, or billing rates have remained flat for twenty-five years. While no one wants or likes dues increases, responsible management of the Bar's affairs requires income commensurate with its obligations.</p> <p>Increasing the statutory cap on dues the Bar can charge members is essential to keeping the Bar as a self-regulating profession and to ensuring the Bar is equipped to protect the public by regulating and supporting members of the Bar.</p>
<p><b>O. Randolph Rollins</b></p>	<p>Virginia State Bar revenues come mainly from member dues, which are \$250 for active members and \$125 for associate members. Even though it is a state agency, it receives no state funds. Dues have not increased in more than 20 years (and in some years, dues were reduced). There is a \$250 statutory cap on annual bar dues.</p> <p>Bar staff have considered various cost saving measures over several years and concluded that further cuts or personnel reductions would impair the Bar's ability to deliver on its core mission. Without a dues increase and based on current projections, the Bar's reserve (\$6,539,791 at the end of FY 2024) will be sharply reduced and go negative in 2029.</p> <p>In my opinion, good financial stewardship says the Bar should not be operating at a loss. Further, with bar dues among the lowest in the nation, VSB members enjoying the privilege of practicing law should support a modest dues increase and the necessary amendment to Va. Code 54.1-3912 to remove the statutory cap.</p>
<p><b>James (Jay) Speer</b> Executive Director VA Poverty Law Center 919 E. Main St., Suite 610 Richmond, VA 23219</p>	<p>I support the proposed legislative activity to lift the arbitrary limit placed on bar dues 30 years ago. From my many years as a legal services attorney, I know that lawyers must do much more to provide meaningful access to the courts and lawyers. I applaud the VSB efforts to increase access to justice and I know that VSB could do much more with additional funding.</p>

<p><b>Joseph R. Carico</b> Executive Director Southwest VA Legal Aid 227 West Cherry Street Marion, VA 24354</p>	<p>As an attorney who has practiced in Virginia for over 25 years, I consistently support our profession’s efforts to expand access to justice for all Virginians.</p> <p>As a legal aid attorney, I especially support the Virginia State Bar’s efforts in this regard with their Access to Legal Services Department. At present, this Department is staffed by only one full-time employee. In order to effectively carry out the mission of broader access to legal services, the VSB needs more funding.</p> <p>One avenue to increase such funding is through a dues increase. Dues have not been increased in 25 years. Therefore, the ability to implement a dues increase to fund efforts to expand access to legal services is laudable. With more funding, the VSB could expand their <i>pro bono</i> efforts and provide more support for our membership. I support increased funding for the VSB and their expanded effort to increase access to legal services for the people of Virginia.</p>
<p><b>Martin Wegbreit</b> Emeritus <i>Pro Bono</i> Attorney Central VA Legal Aid Society Director of Litigation (Retired) Richmond, VA. 23220</p>	<p>[Truncated – full comment is in <b>Attachment B</b>]</p> <p>Kindly accept this email in strong support of amending Code of Virginia §54.1-3912 to allow an increase in the statutory maximum Bar dues, currently set at \$250 since the year 1995.</p> <p>I am the retired Director of Litigation from Central Virginia Legal Aid Society, a member of the Virginia State Bar (VSB) for 44 years, and still an active member as an Emeritus <i>Pro Bono</i> Attorney. ...</p> <p>The case for allowing a modest (20%) increase in Bar dues is compelling and overwhelming. VSB dues have not been increased in 30 years and are the sixth lowest in the country. During that same time period, the Consumer Price Index has more than doubled. This drives up the cost of salaries, benefits, equipment, technology, supplies, and rent.</p> <p>In addition, due to the added and necessary work taken on by the VSB, including but not limited to - access to free trainings and continuing legal education, FastCase, Malpractice Avoidance Hotline, <i>Pro Bono</i> voluntary reporting, Professionalism Course, Trust Accounting and Billing software, and Virginia Free Legal Answers - VSB's expenses now exceed revenues.</p> <p>While drawing down reserves over the next three fiscal years, the VSB faces insolvency by FY 2029. In that event, VSB functions would be limited to regulation and discipline. Everything else would be sacrificed, including access to legal services.</p> <p>Access to legal services for low-income people has not changed appreciably during my entire 43 year legal aid career in Virginia. ...</p> <p>In short, a non-poor Virginian is about six times more likely to have an attorney than a poor Virginian. Access to Justice tries to remedy this inequity. Without an increase in Bar dues, the final six words of the Pledge of Allegiance - "with liberty and justice for all" - will remain a cruel mockery.</p>
<p><b>Lonnie (“Chip”) Nunley</b> Hunton Andrews Kurth LLP Riverfront Plaza, East Tower 951 East Byrd Street Richmond, VA 23219</p>	<p>I am in favor of the proposed legislative activity to amend Virginia Code 54.1 – 3912.</p> <p>In my opinion, the Bar has done a commendable job of administering the disciplinary system and providing services to a growing Virginia lawyer population. Bar dues have not increased for 25 years, although the cost of rent, office equipment, supplies and labor surely have. We are very fortunate as Virginia lawyers to be self-governing and with that comes the responsibility to properly administer ourselves. The relatively small increase in dues, the first in 25 years, is a necessary step to see that the Bar can continue to properly carry out its mission. Personally, I also hope that some of the proposed dues increase can be used to support efforts of the Bar to increase the access to legal services for all Virginians, whether they be compensated services or pro bono services.</p>

<p><b>John E. Whitfield</b>  Executive Director/  General Counsel  Blue Ridge Legal  Services  204 N. High Street  P.O. Box 551  Harrisonburg, VA 22803</p>	<p>[<i>Truncated – full comment is in Attachment B</i>]</p> <p>On behalf of Blue Ridge Legal Services ... I write to register our support for the Virginia State Bar’s proposal to seek the lifting of the existing statutory limitation on the amount the VSB can levy annual for membership bar dues. The VSB has not increased its bar dues in a quarter century, and this statutory cap prevents the VSB from seeking any increase, no matter how necessary it may be to achieving the VSB’s mission.</p> <p>If the VSB is to effectively accomplish its four-pronged mission of (1) protecting the public; (2) regulating the legal profession in Virginia; (3) advancing access to legal services; and (4) assisting in improving the legal profession and the judicial system, it needs to have adequate resources. From legal aid’s perspective, we are critically in need of the VSB’s active support in promoting access to legal services, particularly in its work promoting increased pro bono participation among its membership. The VSB is uniquely situated to promote pro bono work, yet it lacks the staffing to fully meet its potential for doing so. Adequately funding these activities could make a dramatic difference in our efforts to increase pro bono work participation and access to justice in Virginia.</p> <p>\$250 in 2000 is equivalent in purchasing power to about \$464.28 today, an increase of \$214.28 over those 25 years. In light of this significant diminution in buying power, it is no surprise that the VSB is now financially strapped and unable to perform all of its functions effectively. For this reason, it seems abundantly clear that the current statutory cap of \$250 in annual bar dues urgently needs to be lifted, and I strongly support the Bar’s proposal to pursue this in the Virginia General Assembly.</p>
<p><b>Lisa Bennett</b>  Director of Pro Bono  Central VA Legal Aid  Society  101 W. Broad Street  Suite 101  Richmond, VA 23220</p>	<p>[<i>Truncated – full comment is in Attachment B</i>]</p> <p>... these comments are submitted in support of the proposal to amend Code of Virginia §54.1-3912 to allow the first increase in the maximum for annual dues (currently \$250) paid to the Virginia State Bar (VSB) in thirty (30) years.</p> <p>The VSB has not had a dues increase in 25 years. Since then, the mission of the VSB has added a third and fourth prong to: (3) advance access to legal services, and (4) assist in improving the legal profession and the judicial system. These missions - especially advancing access to legal services- cannot be sustained in light of the resource constraints imposed by the outdated statute setting maximum bar dues.</p> <p>...Due to limited staffing and funding, the VSB has reluctantly curtailed member services and programs. ...</p> <p>...For the next three fiscal years, the VSB will be drawing down its reserve funds and will be insolvent by FY 2029 without an increase in member dues.</p> <p>If that were to occur, the VSB would have to eliminate most functions not involving regulation and discipline and potentially lay off more than 10% of staff. If the statutory maximum is lifted, the VSB would request that the Supreme Court approve a dues increase of no more than 20% - an increase of \$50. This would make dues equal to the \$300 statutory maximum in effect in 1995. For all these reasons, the increase in the statutory maximum should be approved.</p>
<p><b>Tim Freilich</b>  Executive Director  Legal Services  Corporation of Virginia  919 E. Main Street  Richmond, VA 23219</p>	<p>[<i>Truncated – full comment is in Attachment B</i>]</p> <p>I am writing as Executive Director of the Legal Services Corporation of Virginia (LSCV) to support the proposal of the Virginia State Bar (VSB) to engage in legislative activity ....</p> <p>... an adequately funded VSB is also critical to helping LSCV fulfill our own mission.</p> <p>... We couldn’t do our work as effectively without the close partnership of the VSB. In the past year alone, we have worked with your talented staff to streamline</p>

	<p>administration of Virginia’s Interest on Lawyers’ Trust Accounts (IOLTA) Program, to explore ways to boost pro bono awareness and contributions, and to identify and address issues impacting access to legal services for low-income Virginians. The work of LSCV and our programs is greatly enhanced through our partnership with the VSB, and we have seen firsthand the efficiency, expertise, and dedication of your team.</p> <p>But the rule of law and access to legal services in Virginia will only be as strong as the Bar that regulates our profession. An increase in Bar dues is long overdue, and for these reasons LSCV supports the VSB’s proposed efforts.</p>
<p><b>Clay Warner</b>  General Counsel  Legal Aid Justice Center  6402 Arlington Blvd.  Suite 1130  Falls Church, VA 22042</p>	<p>[<i>Truncated – full comment is in Attachment B</i>]</p> <p>The Legal Aid Justice Center (LAJC) supports an increase in member dues payable to the Virginia State Bar (VSB). We also support VSB’s efforts to draw attention to its dire financial situation, and we support its efforts to modify Va. Code § 54.1-3912 to raise the cap on VSB member dues.</p> <p>LAJC is “legal aid society” providing legal services to Virginians who are “unable to pay for” such services, as described in 15 VAC 5-10-10.</p> <p>VSB member dues – which provide nearly all of VSB’s funding – have not increased in twenty-five years. We do not know how VSB has successfully maintained its core functions (regulation of lawyer ethical behavior, and tracking mandatory continuing legal education) over that period in the absence of a dues increase. Basic expenses like salaries, rent, and the cost of technology have all increased significantly during that time.</p> <p>But during that time VSB’s mission has also expanded to include something of special interest to LAJC: it has been charged to “advance access to legal services.” That task sorely needs attention. . . .</p> <p>VSB has plans to help close that “justice gap” – notably through the use of a statewide internet portal for pro bono services. But it has been unable to implement those plans because of limited funding. If dues are not increased, VSB will be forced to abandon that part of its mission.</p>
<p><b>Valerie L’Herrou</b>  VA Poverty Law Center  Deputy Director Center  for Family Advocacy  919 E. Main Street  Suite 610  Richmond, VA 23219</p>	<p>[<i>Truncated – full comment is in Attachment B</i>]</p> <p>Virginia Poverty Law Center supports expanding the State Bar’s capacity to increase its programs to expand access to legal services.</p> <p>...</p> <p>We understand that the VSB is seeking to amend Va. Code § 54.1-3912 to lift the \$250 cap on state bar membership dues.</p> <p>Even beyond improving access to justice—an important aspect of the state bar’s mission—projections show the VSB will be insolvent by 2030-2031 under current budgeting. This will create a state of crisis for the state bar’s ability to regulate the legal profession.</p> <p>We support, therefore, enabling the VSB to seek legislative access to lift the cap on membership dues. The last action taken by the legislature in regard to membership dues was thirty years ago: <i>reducing</i> the dues cap from \$300 to \$250.</p> <p>If adjusted to the current rate of inflation, the dues cap should be \$525 today. While we would prefer a tiered dues rate, for new attorneys and those working in the public interest sector, it seems well past time to revisit the matter of the membership dues cap, both for the sake of professional regulation and for ensuring that access to justice can be meaningfully supported.</p>

<p><b>Tara Louise Casey*</b>  Professor of Law, Legal Practice  Director, Carrico Center for Pro Bono &amp; Public Service  Director, Bridge to Practice Fellowship Program  University of Richmond School of Law</p>	<p>As a longtime, full member of the Virginia State Bar, as well as the Access to Legal Services Committee, I write to express my support of a dues increase for all members.</p> <p>One core element of the VSB’s mission is “to advance access to legal services”. I was heartened with the Access to Legal Services Committee became a standing committee, which solidified the importance of this prong in the operations of the VSB. Access to Legal Services is only staffed by one full-time employee, Crista Gantz; Cris has done and continues to do a phenomenal job with limited resources and has truly imprinted the importance of access to justice across the Commonwealth.</p> <p>However, to expand pro bono efforts and support VSB members, more resources are needed. Therefore, I support removal of the statutory cap on dues, which requires legislative action to amend Va. Code § 54.1-3912.</p>
<p><b>David Neumeyer*</b>  Executive Director  Virginia Legal Aid Society  PO Box 6200  513 Church St  Lynchburg VA 24505</p>	<p>[Truncated – full comment is in <b>Attachment B</b>]</p> <p>I write as a Virginia attorney, first admitted in 1985, as the executive director of Virginia Legal Aid Society since 1990, and as former and current member of several VSB committees that rely heavily on support by the VSB staff, the current committee being the Study Committee on Entry, Growth, and Distribution of Virginia Attorneys.</p> <p>...</p> <p>... I therefore strongly support the removal of the legislative cap on dues so that the bar can more meaningfully respond to staffing needs without the artificial barrier of a dues cap imposed 25 years ago.</p>
<p><b>James McCauley*</b>  Law Office of James M. McCauley  17 Bridgehampton Place  Richmond, VA 23229</p>	<p>[Truncated – full comment is in <b>Attachment B</b>]</p> <p>...</p> <p>I am sympathetic to the VSB’s financial situation and its intent to garner support to introduce a bill to have the General Assembly lift the statutory cap on annual dues. I support that initiative and believe that an increase in annual dues has become necessary as the VSB has depleted its reserve to pay for operating expenses that have risen over several years. The VSB needs to increase its revenue to meet the expenses of its operations.</p> <p>...</p>

*\* Indicates the comment was received after the close of the public comment period.*

**C. No Position**

Name	Comment
<p><b>Jennie Waering</b></p>	<p>I would like to propose that when you look at the fees charged, that you consider reducing fees for those over 65 who are in part time practice and don't fit the inactive category.</p> <p>I am 70 and wish to keep my license so I can do the occasional pro bono representation as needed in the low-income communities that I work with as a social activist. I maintain more CLE than is required. It is a strain to pay the whole fee when there is no income, but you cannot take inactive status and still represent clients, I don't think.</p>
<p><b>Sherry Ramsey</b></p>	<p>I have never understood why the amount of dues is the same for attorneys who make a great deal of money every year and those who work in public interest jobs, or work part time due to health issues or practice mostly pro-bono work. The ability to keep our license to practice should not be determined by the ability to pay registration fees, which are of course in addition to CLE fees and malpractice insurance.</p> <p>Especially as we age, we may choose to work only part time or to give back to a community by providing mostly pro bono work to local groups. It seems unfair to charge the same</p>

	registration fee for attorneys not making much money for whatever reason. The one size fits all attorney is unfair and may in some cases deter attorneys from keeping their license to practice.
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#### **IV. Conclusion**

Pursuant to Part 6, Section IV, Paragraph 9 of the Rules of the Court, the VSB respectfully requests approval to engage in legislative activity to request the General Assembly to amend Va. Code § 54.1-3912 during the 2026 General Assembly Session.

Specifically, the VSB requests approval to propose and support amending Va. Code § 54.1-3912 to remove or, alternatively, to raise the current \$250 statutory maximum for VSB annual dues assessments.

**Attachment A:** VSB Website News Item, March 3, 2025

**Attachment B:** Public Comments on Proposed Legislative Activity to Amend Va. Code § 54.10-912

## Attachment A: VSB Website News Item, March 3, 2025

### VSB Seeks Public Comment on Legislative Activity to Amend Va. Code § 54.1-3912

March 3, 2025

The Virginia State Bar (VSB) seeks comments on its proposed engagement in legislative activity, pursuant to Part 6, Section IV, Paragraph 9 (j) of the Rules of the Supreme Court of Virginia, to amend Va. Code § 54.1-3912 in the 2026 General Assembly Session. The proposed amendment aims to amend the statutory maximum for the annual dues paid to the VSB.

This amendment proposes to allow the Supreme Court of Virginia greater flexibility, pursuant to Part 6, Section IV, Paragraph 11 of the Rules of the Supreme Court of Virginia, to set the rate of the VSB annual dues for lawyers licensed in Virginia. **The existing statutory cap was amended in 1995 (from \$300 to \$250)** and limits the Court's ability to adjust dues to align with economic conditions and operational requirements.

**Importantly, any change to the statutory cap would *not* result in an automatic dues increase. Any future adjustments to the annual dues would require separate approval from the Court.**

The proposed change seeks to ensure the VSB's financial stability and sustainability, enabling it to better serve Virginia's legal community and the public. The key reasons supporting this amendment include:

- 1. Flat Dues for 25 Years:** Dues have not increased since 2000 (and were decreased for four years from 2012 through 2015), and rank among the lowest in the nation (6th lowest of 33 unified bars nationwide).
- 2. Increased benefits:** Over this period, the VSB has enhanced lawyer benefits by introducing the free Malpractice Avoidance Hotline, free legal research software, free trust accounting and billing software, and access to free trainings and CLEs.
- 3. Cost-Savings Measures:** The VSB has implemented various efficiencies (e.g., reduced personnel to a 24 percent lower staff-to-member ratio compared to 2000) while maximizing other sources of revenue (e.g., increased MCLE sponsor course application fees).
- 4. Rising Costs:** Expenses related to salaries, technology, inflation, and rent have significantly increased outpacing the VSB's revenue.
- 5. Financial Viability:** A membership dues increase will avoid VSB insolvency in FY 29.

If the General Assembly amends Va. Code § 54.1-3912, the VSB plans to request the Court's approval for an annual dues increase limited to the amount necessary to balance total revenue with necessary expenses. **Based on current budget projections, the VSB anticipates requesting an increase of no more than 20 percent to the current \$250 dues assessment.**

#### Comment:

Any individual, business, or other entity may submit written comments in support of or in opposition to the proposed action to Cameron Rountree, Executive Director of the Virginia State Bar, by close of business on May 20, 2025. Comments may be submitted via email to [publiccomment@vsb.org](mailto:publiccomment@vsb.org).

(available at: <https://www.vsb.org/Site/news/rules-news/20250303-dues-statutory-max.aspx>)

## Attachment B: Public Comments on Proposed Legislative Activity to Amend Va. Code § 54.10-912

This attachment contains all public comments on the VSB's proposed legislative activity to amend Va. Code § 54.10-912. The comments are organized by the date received by the VSB.

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**From:** [Orran Brown](#)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER FW: Opposition to Request for Amendment to Va Code Section 54.1-3912  
**Date:** Tuesday, March 4, 2025 1:56:22 PM

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I oppose any change to this statute that could lead to higher VSB dues for any Virginia lawyer.

We lawyers in Virginia receive no support or help from the State Bar in any respect. We get nothing back in a positive way for the dues we already are required to pay.

Instead, the VSB treats its lawyers as the enemy. Constant threats about paying dues and having to submit CLE hours. Punishments handed out to lawyers that do nothing to improve their performance or the profession. The CLE requirement is just a racket providing a source of income to CLE providers who charge high rates for useless programs. That requirement merely creates a business market for those sellers.

There can be no justification for the dues we pay, much less any possible increase.

**Orran L. Brown, Sr.**

**BROWNGREER PLC**

250 Rocketts Way

Richmond, Virginia 23231

Telephone: (804) 521-7201

Facsimile: (804) 521-7299

[www.browngreer.com](http://www.browngreer.com)

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**From:** [Lily Engle](#)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER Bar Dues  
**Date:** Tuesday, March 4, 2025 5:59:01 AM  
**Attachments:** [image001f391.png](#)

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I support the proposed amendment. The benefits our Bar dues provide and the need for more resources by the (very hard working) Bar outweigh any negative effects of an increase in fees, especially when you amortize the annual amount into a monthly cost. Yes, many of us have strained finances, but we probably spend far more than that amount on coffee or lunch out. Thank you.



**Lily Engle**

Assistant Secretary and Deputy General Counsel  
The Conservation Fund  
202.413.6424  
[lengle@conservationfund.org](mailto:lengle@conservationfund.org)

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**From:** [Susan Harris](#)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER Legislative Activity to Amend Va. Code § 54.1-3912  
**Date:** Tuesday, March 4, 2025 2:26:54 PM

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Hello,

I am against any sort of increase in dues. They are too high as it is and a burden for those who do not work for the government. Thanks. Susan Harris

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**From:** [Ryan S. Hershey](#)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER Do NOT increase bar dues  
**Date:** Tuesday, March 4, 2025 1:01:00 PM

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Many attorneys cannot afford this. This is paramount to extortion to be able to practice our vocation. I strongly object to any increase.

Ryan Hershey  
VSB # 85092

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**From:** [Matthew Morrison, Esq.](#)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER Public Comment 54.1-3912  
**Date:** Tuesday, March 4, 2025 2:09:33 PM

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Understanding the ever-increasing costs of doing business, I think a modest increase in bar dues is understandable and not unreasonable. I would certainly leave it to the discretion of the SCV to determine the appropriate amount that would promote economic efficiency while still holding some pride that Virginia lawyers are not gouged like other jurisdictions.

I would like to suggest, however, that the VSB consider a dues structure that would allow attorneys to pay multiple years of bar dues at a slightly discounted rate. For example, should dues be raised to \$300/yr, consider allowing attorneys to pay five years of dues at a time for \$1250 instead of \$1500 for all five years. I am confident that many lawyers would choose that option (tax purposes) and the VSB would see increased long-term liquidity.

-M. Morrison  
VSB #89872

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**From:** [Jennie Waering](#)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER Dues increase  
**Date:** Tuesday, March 4, 2025 1:31:57 PM

You don't often get email from [jwaering1102@gmail.com](mailto:jwaering1102@gmail.com). [Learn why this is important](#)

VSB,

I would like to propose that when you look at the fees charged, that you consider reducing fees for those over 65 who are in part time practice and don't fit the inactive category.

I am 70 and wish to keep my license so I can do the occasional pro bono representation as needed in the low income communities that I work with as a social activist. I maintain more CLE than is required. It is a strain to pay the whole fee when there is no income, but you cannot take inactive status and still represent clients, I don't think.

Thank you for your consideration of this idea.

Jennie Waering  
540-314-1157  
[JWaering1102@gmail.com](mailto:JWaering1102@gmail.com)  
Seeking Justice for All  
Living on Tutelo Land

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**From:** [attvabeg@aol.com](mailto:attvabeg@aol.com)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER Legislative Activity to Amend Va. Code § 54.1-3912  
**Date:** Wednesday, March 5, 2025 11:26:16 PM

I wholeheartedly support the proposal to amend the above. It is unrealistic to assume that a \$250 cap on annual dues serves either the VSB needs or those of the public that we serve. Dues need to be increased in line with the realities of the real world we operate in.

August Bequai, Esq.  
1750 Tysons Blvd., Suite 1500  
McLean, VA 22102  
(T) (703) 893-4806  
(c) (571) 277-5996  
[attvabeg@aol.com](mailto:attvabeg@aol.com)

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**From:** [Sherry Ramsey](#)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER Legislative Activity to Amend Va. Code § 54.1-3912 Comment  
**Date:** Thursday, March 6, 2025 11:54:36 AM

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Hello,

I would like to comment on the proposed action to allow an increase to the annual dues. I have never understood why the amount of dues is the same for attorneys who make a great deal of money every year and those who work in public interest jobs, or work part time due to health issues or practice mostly pro-bono work.. The ability to keep our license to practice should not be determined by the ability to pay registration fees, which are of course in addition to CLE fees and malpractice insurance.

Especially as we age, we may choose to work only part time or to give back to a community by providing mostly pro bono work to local groups. It seems unfair to charge the same registration fee for attorneys not making much money for whatever reason. The one size fits all attorney is unfair and may in some cases deter attorneys from keeping their license to practice.

Thank you for considering my comments.

*Sherry Ramsey, Esq.*  
240-401-7361

\*\*\*\*\*  
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**From:** [Doug Welty](#)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER Lobbying for dues increase  
**Date:** Friday, March 7, 2025 2:14:38 PM

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Hi, VSB,

I OPPOSE any expenditure of VSB time or resources on lobbying the General Assembly to increase the bar dues cap. This effort should be left to individual members, if we believe we are being inadequately served.

If resources are becoming an issue, I suggest cutting out the printed glossy Bar magazine and the funds and other resources allocated to Sections for printed newsletters and annual dinners. These should be things of the past. In addition, the Annual Meeting should be self-supported by user fees.

Regards,  
Doug Welty  
Member no. 29480

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**From:** [Seltzer, Cullen D.](#)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER Public Comment on Legislative Activity to Amend Va. Code § 54.1-3912  
**Date:** Thursday, March 13, 2025 4:07:59 PM  
**Attachments:** [image001.png](#)

You don't often get email from [cseltzer@sandsanderson.com](mailto:cseltzer@sandsanderson.com). [Learn why this is important](#)

Dear Mr. Rountree:

I write in support of VSB engaging in legislative activity to amend the statutory maximum for dues paid to the VSB.

For 25 years, dues for Bar members have been flat though the demands on the Bar for services to the public and to the lawyers it regulates have grown. The Bar has been a good steward of dues and its reserves but twenty-five years of change in our industry and growing costs have combined to make the dues established long ago inadequate today.

I doubt there are any practitioners in Virginia whose income, expenses, or billing rates have remained flat for twenty-five years. While no one wants or likes dues increases, responsible management of the Bar's affairs requires income commensurate with its obligations. Increasing the statutory cap on dues the Bar can charge members is essential to keeping the Bar as a self-regulating profession and to ensuring the Bar is equipped to protect the public by regulating and supporting members of the Bar.

Please let me know if you have any questions or if I can be of any other support in this effort to reset the Bar's financial stability.

Sincerely,

Cullen D. Seltzer



**Cullen D. Seltzer**

*Attorney*

**Sands Anderson PC**

PO Box 1998, Richmond, VA 23218-1998

Direct: [\(804\) 783-7235](tel:(804)783-7235) | Main: [\(804\) 648-1636](tel:(804)648-1636)

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**From:** [attyabeq@aol.com](mailto:attyabeq@aol.com)  
**To:** [publiccomment](#)  
**Subject:** EXT Legislative Activity to Amend Va. Code § 54.1-3912  
**Date:** Tuesday, April 1, 2025 8:05:40 PM

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The proposal makes sense and I fully support it. I have not witnessed any abuses by the VSB when it comes to the use of membership dues. A raise in dues is needed. Thank you.

August Bequai, Esq.  
McLean, VA 22102  
Tel.: (703) 893-4806  
[attyabeq@aol.com](mailto:attyabeq@aol.com)

---



ATTORNEY-AT-LAW

**O. RANDOLPH ROLLINS, ESQ.**

P.O. Box 4228 • Martinsville, VA 24115  
804.405.5080 Mobile  
[rrollins@orrlawyer.com](mailto:rrollins@orrlawyer.com)

May 1, 2025

Cameron Rountree  
Executive Director  
Virginia State Bar

[publiccomment@vsb.org](mailto:publiccomment@vsb.org)

**Re: Support for Bar Dues Increase and Amending Va. Code § 54.1-3912**

Virginia State Bar revenues come mainly from member dues, which are \$250 for active members and \$125 for associate members. Even though it is a state agency, it receives no state funds. Dues have not increased in more than 20 years (and in some years, dues were reduced). There is a \$250 statutory cap on annual bar dues.

Bar staff have considered various cost saving measures over several years and concluded that further cuts or personnel reductions would impair the Bar's ability to deliver on its core mission. Without a dues increase and based on current projections, the Bar's reserve (\$6,539,791 at the end of FY 2024) will be sharply reduced and go negative in 2029,

In my opinion, good financial stewardship says the Bar should not be operating at a loss. Further, with bar dues among the lowest in the nation, VSB members enjoying the privilege of practicing law should support a modest dues increase and the necessary amendment to Va.Code 54.1-3912 to remove the statutory cap.

Respectfully submitted,

  
O. Randolph Rollins (VSB 05857)

---

**From:** [Jay Speer](#)  
**To:** [publiccomment](#)  
**Subject:** EXT: Comment on Legislative Activity to Amend Va. Code § 54.1-3912  
**Date:** Tuesday, May 13, 2025 9:59:41 AM

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I support the proposed legislative activity to lift the arbitrary limit placed on bar dues 30 years ago. From my many years as a legal services attorney, I know that lawyers must do much more to provide meaningful access to the courts and lawyers. I applaud the VSB efforts to increase access to justice and I know that VSB could do much more with additional funding.



James W. (Jay) Speer  
Executive Director  
Attorney at Law  
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Fax: 804-649-0974  
[www.vplc.org](http://www.vplc.org)

---

**From:** Joey Carico <[jcarico@svlas.org](mailto:jcarico@svlas.org)>  
**Sent:** Thursday, May 15, 2025 2:01 PM  
**To:** publiccomment <[PublicComment@vsb.org](mailto:PublicComment@vsb.org)>  
**Cc:** Joey Carico <[jcarico@svlas.org](mailto:jcarico@svlas.org)>  
**Subject:** EXT: Public Comment on Legislative Activity to Amend Va. Code § 54.1-3912

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As an attorney who has practiced in Virginia for over 25 years, I consistently support our profession's efforts to expand access to justice for all Virginians.

As a legal aid attorney, I especially support the Virginia State Bar's efforts in this regard with their Access to Legal Services Department. At present, this Department is staffed by only one full-time employee. In order to effectively carry out the mission of broader access to legal services, the VSB needs more funding.

One avenue to increase such funding is through a dues increase. Dues have not been increased in 25 years. Therefore, the ability to implement a dues increase to fund efforts to expand access to legal services is laudable. With more funding, the VSB could expand their *pro bono* efforts and provide more support for our membership. I support increased funding for the VSB and their expanded effort to increase access to legal services for the people of Virginia.



Joseph R. Carico, Esq.  
Executive Director  
227 West Cherry Street  
Marion, VA 24354  
(276) 783-8300, ext. 2212  
(276) 378-8400 (fax)



---

**From:** [Marty Wegbreit](#)  
**To:** [publiccomment](#)  
**Subject:** EXT: Public Comment on Legislative Activity to Amend Code of Virginia §54.1-3912  
**Date:** Thursday, May 15, 2025 2:43:36 PM

---

You don't often get email from [mwegbreit.law@gmail.com](mailto:mwegbreit.law@gmail.com). [Learn why this is important](#)

**Caution:** This email originated from outside the VSB. Do not click links or open attachments unless you recognize and have verified the sender.

Dear Cameron Rountree - Kindly accept this email in strong support of amending Code of Virginia §54.1-3912 to allow an increase in the statutory maximum Bar dues, currently set at \$250 since the year 1995.

I am the retired Director of Litigation from Central Virginia Legal Aid Society, a member of the Virginia State Bar (VSB) for 44 years, and still an active member as an Emeritus *Pro Bono* Attorney. My service to the VSB has included six years on the Third District, Section II Disciplinary Committee (2005 - 2011), six years on the Standing Committee on Access to Legal Services (2017 - 2023), and current service on the Board of Governors of the Senior Lawyers Conference (2024 - ).

The case for allowing a modest (20%) increase in Bar dues is compelling and overwhelming. VSB dues have not been increased in 30 years and are the sixth lowest in the country. During that same time period, the Consumer Price Index has more than doubled. This drives up the cost of salaries, benefits, equipment, technology, supplies, and rent.

In addition, due to the added and necessary work taken on by the VSB, including but not limited to - access to free trainings and continuing legal education, FastCase, Malpractice Avoidance Hotline, *Pro Bono* voluntary reporting, Professionalism Course, Trust Accounting and Billing software, and Virginia Free Legal Answers - VSB's expenses now exceed revenues.

While drawing down reserves over the next three fiscal years, the VSB faces insolvency by FY 2029. In that event, VSB functions would be limited to regulation and discipline. Everything else would be sacrificed, including access to legal services.

Access to legal services for low-income people has not changed appreciably during my entire 43 year legal aid career in Virginia. Around 275 legal aid attorneys are available to serve the legal needs of 1.1 million low-income Virginians eligible for their assistance (about 1 legal aid attorney for every 4,000 poor people). Around 32,000 other attorneys are available to serve the legal needs of the other 7.7 million non-poor Virginians (about 1 attorney for every 240 non-poor people). Even if we assume there are only 11,000 non-corporate, non-government attorneys to serve those 7.7 million non-poor Virginians, that still is about 1 attorney for every 700 non-poor people).

In short, a non-poor Virginian is about six times more likely to have an attorney than a poor Virginian. Access to Justice tries to remedy this inequity. Without an increase in Bar dues, the final six words of the Pledge of Allegiance - "with liberty and justice for all" - will remain a cruel mockery.

Thank you for your consideration of these comments.

---

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**From:** Nunley, Chip <[cnunley@hunton.com](mailto:cnunley@hunton.com)>

**Sent:** Thursday, May 15, 2025 6:05 PM

**To:** publiccomment <[PublicComment@vsb.org](mailto:PublicComment@vsb.org)>

**Subject:** EXT: Legislative Activity to Amend Va. Code §

[https://aka.ms/  
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**Caution:** This email originated from outside the VSB. Do not click links or open attachments unless you recognize and have verified the sender.

To the Virginia State Bar,

I am in favor of the proposed legislative activity to amend Virginia Code 54.1 – 3912.

In my opinion, the Bar has done a commendable job of administering the disciplinary system and providing services to a growing Virginia lawyer population. Bar dues have not increased for 25 years, although the cost of rent, office equipment, supplies and labor surely have. We are very fortunate as Virginia lawyers to be self-governing and with that comes the responsibility to properly administer ourselves. The relatively small increase in dues, the first in 25 years, is a necessary step to see that the Bar can continue to properly carry out its mission. Personally, I also hope that some of the proposed dues increase can be used to support efforts of the Bar to increase the access to legal services for all Virginians, whether they be compensated services or pro bono services.

Thanks for your time and consideration.

Regards,

Chip Nunley

**HUNTON**  
ANDREWS KURTH

**Lonnie Nunley**  
Partner  
[cnunley@HuntonAK.com](mailto:cnunley@HuntonAK.com)  
p 804.788.8679  
[bio](#) | [vCard](#)

---

**From:** John Whitfield <jwhitfield@brls.org>  
**Sent:** Friday, May 16, 2025 2:57 PM  
**To:** publiccomment <PublicComment@vsb.org>  
**Subject:** EXT: Comments re Proposed Legislative Activity to Amend Va. Code § 54.1-3912

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**Caution:** This email originated from outside the VSB. Do not click links or open attachments unless you recognize and have verified the sender.

On behalf of Blue Ridge Legal Services, the legal aid society that serves the Shenandoah and Roanoke Valleys of Virginia, I write to register our support for the Virginia State Bar's proposal to seek the lifting of the existing statutory limitation on the amount the VSB can levy annual for membership bar dues. The VSB has not increased its bar dues in a quarter century, and this statutory cap prevents the VSB from seeking any increase, no matter how necessary it may be to achieving the VSB's mission.

If the VSB is to effectively accomplish its four-pronged mission of (1) protecting the public; (2) regulating the legal profession in Virginia; (3) advancing access to legal services; and (4) assisting in improving the legal profession and the judicial system, it needs to have adequate resources. From legal aid's perspective, we are critically in need of the VSB's active support in promoting access to legal services, particularly in its work promoting increased pro bono participation among its membership. The VSB is uniquely situated to promote pro bono work, yet it lacks the staffing to fully meet its potential for doing so. Adequately funding these activities could make a dramatic difference in our efforts to increase pro bono work participation and access to justice in Virginia.

\$250 in 2000 is equivalent in purchasing power to about \$464.28 today, an increase of \$214.28 over those 25 years. In light of this significant diminution in buying power, it is no surprise that the VSB is now financially strapped and unable to perform all of its functions effectively. For this reason, it seems abundantly clear that the current statutory cap of \$250 in annual bar dues urgently needs to be lifted, and I strongly support the Bar's proposal to pursue this in the Virginia General Assembly.

Thank you for considering these views.

With kind regards,

**John E. Whitfield**  
Executive Director/General Counsel



204 N. High Street  
P.O. Box 551  
Harrisonburg, VA 22803  
Phone: (540) 433-1830  
Fax: (540) 433-2202  
[jwhitfield@brls.org](mailto:jwhitfield@brls.org) | [www.brils.org](http://www.brils.org)

TO: Cameron Rountree, VSB Executive Director, [publiccomment@vsb.org](mailto:publiccomment@vsb.org)  
FROM: Lisa A. Bennett, Director of Pro Bono, Central Virginia Legal Aid Society (CVLAS)  
RE: Public Comment on Legislative Activity to Amend Va. Code § 54.1-3912  
DATE: May 16, 2025

Thank you for the invitation to submit public comment. As a recipient of federal funding, Central Virginia Legal Aid's staff provides public comment in accordance with 45 C.F.R. §1612.6 and only in compelling circumstances and where such comments comport and further CVLAS's mission to provide free civil legal services to low-income individuals. In my capacity as CVLAS's Director of Pro Bono and as a legal aid lawyer with thirty-five (35) years of experience, these comments are submitted in support of the proposal to amend Code of Virginia §54.1-3912 to allow the first increase in the maximum for annual dues (currently \$250) paid to the Virginia State Bar (VSB) in thirty (30) years.

The VSB has not had a dues increase in 25 years. Since then, the mission of the VSB has added a third and fourth prong to: (3) advance access to legal services, and (4) assist in improving the legal profession and the judicial system. These missions – especially advancing access to legal services – cannot be sustained in light of the resource constraints imposed by the outdated statute setting maximum bar dues

The Access to Legal Services Committee was only recently made a standing committee (which is permanent), as opposed to a special committee (which can be temporary). Excluding the Virginia Lawyer Referral Service, the VSB Access to Legal Services Department is staffed by only one full-time employee, Crista Gantz. She is supported only part-time by an administrative assistant who is shared with two other departments.

Ms. Gantz continuously operates at full capacity even as the demand for her work continues to grow. Among other tasks, she compiles information from the annual voluntary *Pro Bono* reporting in effect since 2019, facilitates quarterly meetings of the Access to Legal Services Committee, provides services needed for the four annual *Pro Bono* awards, and administers Virginia Free Legal Answers (often answering questions of an urgent nature or which go unanswered by volunteers for long periods of time). Ms. Gantz convenes a Pro Bono consortium comprised of qualified legal service providers and law schools to further best practices in Virginia.

Due to limited staffing and funding, the VSB has reluctantly curtailed member services and programs. Recently, the VSB had to decline the opportunity to administer the Supreme Court of Virginia's Access to Justice Commission's proposed statewide *pro bono* portal system (Paladin), despite strong interest, because of financial and staffing limitations.

The VSB wants to expand *pro bono* efforts, support members, and administer Paladin, none of which are possible without removing the statutory cap on dues. Virginia is poised to make meaningful gains in closing the justice gap thru it's Pro Bono Virginia campaign. Without a dues increase, the VSB will be unable to staff the Access to Legal Services Department at a meaningful level. The situation is

*Continued from the previous page.*

approaching a crisis. For the next three fiscal years, the VSB will be drawing down its reserve funds and will be insolvent by FY 2029 without an increase in member dues.

If that were to occur, the VSB would have to eliminate most functions not involving regulation and discipline, and potentially lay off more than 10% of staff. If the statutory maximum is lifted, the VSB would request that the Supreme Court approve a dues increase of no more than 20% – an increase of \$50. This would make dues equal to the \$300 statutory maximum in effect in 1995. For all these reasons, the increase in the statutory maximum should be approved.

Sincerely,  
  
Lisa A. Bennett

---

**L S C V**  
**Legal Services Corporation of Virginia**

May 19, 2025

Cameron M. Rountree, Executive Director  
Virginia State Bar  
1111 East Main Street, Suite 700  
Richmond, VA 23219-0026

BY E-MAIL ONLY TO: [publiccomment@vsb.org](mailto:publiccomment@vsb.org)

**Re: Proposed engagement in legislative activity to Amend Va. Code § 54.1-3912**

Dear Cameron:

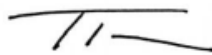
I am writing as Executive Director of the Legal Services Corporation of Virginia (LSCV) to support the proposal of the Virginia State Bar (VSB) to engage in legislative activity to amend Va. Code §54.1-3912 during the 2026 General Assembly Session. This amendment would give the Supreme Court of Virginia greater flexibility to set the rate for annual bar dues for Virginia lawyers and ensure that the VSB has the resources needed to continue to support members of the Bar efficiently and effectively. In addition to supporting Bar members, an adequately funded VSB is also critical to helping LSCV fulfill our own mission.

As you know, LSCV works to develop, fund, coordinate, and oversee the delivery of civil legal services to people living in poverty throughout Virginia. Our ten legal aid programs closed 26,700 cases last year, benefiting more than 73,000 Virginians. We couldn't do our work as effectively without the close partnership of the VSB. In the past year alone, we have worked with your talented staff to streamline administration of Virginia's Interest on Lawyers' Trust Accounts (IOLTA) Program, to explore ways to boost pro bono awareness and contributions, and to identify and address issues impacting access to legal services for low-income Virginians. The work of LSCV and our programs is greatly enhanced through our partnership with the VSB, and we have seen firsthand the efficiency, expertise, and dedication of your team.

But the rule of law and access to legal services in Virginia will only be as strong as the Bar that regulates our profession. An increase in Bar dues is long overdue, and for these reasons LSCV supports the VSB's proposed efforts.

With kindest regards, I am

Sincerely yours,



Tim Freilich, Executive Director  
Legal Services Corporation of Virginia

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919 E. Main Street, Suite 615 Richmond, Virginia 23219-2620  
Telephone: 804-782-9438 Website: [www.lscv.org](http://www.lscv.org) E-Mail: [tim@lscv.org](mailto:tim@lscv.org)

---

**From:** Clay Warner <[CWarner@justice4all.org](mailto:CWarner@justice4all.org)>

**Sent:** Monday, May 19, 2025 3:55 PM

**To:** publiccomment <[PublicComment@vsb.org](mailto:PublicComment@vsb.org)>

**Subject:** EXT: Legislative Activity to Amend Va. Code § 54.1-3912 - Comments of Legal Aid Justice Center

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The Legal Aid Justice Center (LAJC) supports an increase in member dues payable to the Virginia State Bar (VSB). We also support VSB's efforts to draw attention to its dire financial situation, and we support its efforts to modify Va. Code § 54.1-3912 to raise the cap on VSB member dues.

LAJC is "legal aid society" providing legal services to Virginians who are "unable to pay for" such services, as described in 15 VAC 5-10-10.

VSB member dues – which provide nearly all of VSB's funding – have not increased in twenty-five years. We do not know how VSB has successfully maintained its core functions (regulation of lawyer ethical behavior, and tracking mandatory continuing legal education) over that period in the absence of a dues increase. Basic expenses like salaries, rent, and the cost of technology have all increased significantly during that time.

But during that time VSB's mission has also expanded to include something of special interest to LAJC: it has been charged to "advance access to legal services." That task sorely needs attention. According to a recent report commissioned by the Legal Services Corporation:

- 75% of low-income households in the South experienced at least one civil legal problem in the past year – and many of these problems (threats of eviction, for example) have a substantial impact on people's lives.
- 92% of those with civil legal problems do not get any or enough legal help for the problems that had a substantial impact on them.
- 49% of requests for legal assistance must be turned down by legal aid organizations because of limited resources.

VSB has plans to help close that "justice gap" – notably through the use of a statewide internet portal for pro bono services. But it has been unable to implement those plans because of limited funding. If dues are not increased, VSB will be forced to abandon that part of its mission.

Thank you for your consideration.

**Clay Warner**

General Counsel

Legal Aid Justice Center

6402 Arlington Blvd., Suite 1130

Falls Church, VA 22042

(703) 282-4067

[cwarner@justice4all.org](mailto:cwarner@justice4all.org)

---

**From:** Valerie L'Herrou <[valerie@vplc.org](mailto:valerie@vplc.org)>  
**Sent:** Tuesday, May 20, 2025 4:49 PM  
**To:** publiccomment <[PublicComment@vsb.org](mailto:PublicComment@vsb.org)>  
**Cc:** Faith Kallman <[Faith@vplc.org](mailto:Faith@vplc.org)>  
**Subject:** EXT: Public comment re Legislative Activity to Amend Va. Code § 54.1-3912

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### Public Comments from Virginia Poverty Law Center Regarding Legislative Activity to Amend Va. Code § 54.1-3912

Virginia Poverty Law Center supports expanding the State Bar's capacity to increase its programs to expand access to legal services.

The VSB's Access to Legal Services Committee has been a driver behind Virginia's push to improve access to justice, an issue that has become more emergent in the wake of the pandemic, and studies showing that access to justice and legal services in Virginia are lacking. The National Center for Access to Justice gives Virginia a score of 30.30; we are ranked 19th out of 50 states; Richmond remains ranked highest in the country for rate of eviction filings.

While increasing pro bono programs will not be enough to meaningfully expand access to legal services, it is nonetheless important. Virginia Poverty Law Center recently learned that the VSB has had to decline the opportunity to administer a statewide pro bono portal proposed by the Supreme Court of Virginia's Access to Justice Commission—not because of a lack of support for the proposal, but due to financial concerns and lack of staff capacity.

We understand that the VSB is seeking to amend Va. Code § 54.1-3912 to lift the \$250 cap on state bar membership dues.

Even beyond improving access to justice—an important aspect of the state bar's mission—projections show the VSB will be insolvent by 2030-2031 under current budgeting. This will create a state of crisis for the state bar's ability to regulate the legal profession.

We support, therefore, enabling the VSB to seek legislative access to lift the cap on membership dues. The last action taken by the legislature in regard to membership dues was thirty years ago: *reducing* the dues cap from \$300 to \$250.

If adjusted to the current rate of inflation, the dues cap should be \$525 today. While we would prefer a tiered dues rate, for new attorneys and those working in the public interest sector, it seems well past time to revisit the matter of the membership dues cap, both for the sake of professional regulation and for ensuring that access to justice can be meaningfully supported.

thank you

On behalf of Virginia Poverty Law Center

**Valerie L'Herrou**

*Deputy Director, Center for Family Advocacy*



Virginia Poverty Law Center

919 East Main Street, Suite 610 • Richmond, VA 23219  
[www.vplc.org](http://www.vplc.org)

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\* Received after the close of the Public Comment Period:

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**From:** Casey, Tara <[tcasey@richmond.edu](mailto:tcasey@richmond.edu)>  
**Sent:** Wednesday, May 21, 2025 12:36 PM  
**To:** publiccomment <[PublicComment@vsb.org](mailto:PublicComment@vsb.org)>  
**Subject:** EXT: Dues increase will improve access to justice

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Dear Friends,

As a longtime, full member of the Virginia State Bar, as well as the Access to Legal Services Committee, I write to express my support of a dues increase for all members.

One core element of the VSB's mission is "to advance access to legal services". I was heartened with the Access to Legal Services Committee became a standing committee, which solidified the importance of this prong in the operations of the VSB. Access to Legal Services is only staffed by one full-time employee, Crista Gantz; Cris has done and continues to do a phenomenal job with limited resources and has truly imprinted the importance of access to justice across the Commonwealth.

However, to expand pro bono efforts and support VSB members, more resources are needed. Therefore, I support removal of the statutory cap on dues, which requires legislative action to amend Va. Code § 54.1-3912.

Stay gold,

*Tara Louise Casey*  
Professor of Law, Legal Practice  
Director, Carrico Center for Pro Bono & Public Service  
Director, Bridge to Practice Fellowship Program  
University of Richmond School of Law  
Pronouns: She/Her ([What does this mean?](#))

\* Received after the close of the Public Comment Period:



Administrative Office  
P.O. Box 6200, 513 Church Street  
Lynchburg, VA 24505-6200  
434.528.4722 Phone  
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David B. Neumeyer, Esq., Executive Director  
Keita C. Rodgers, Director of Administration

Writer's direct phone: 434-455-3090  
davidn@vlas.org

May 22, 2025

By Email

Cameron Rountree  
Virginia State Bar  
111 East Main Street, Suite 700  
Richmond, Virginia 23219-0026

Re: Proposed Legislative Action to Lift the VSB's \$250 Dues Cap

Dear Cameron:

I write as a Virginia attorney, first admitted in 1985, as the executive director of Virginia Legal Aid Society since 1990, and as former and current member of several VSB committees that rely heavily on support by the VSB staff, the current committee being the Study Committee on Entry, Growth, and Distribution of Virginia Attorneys.

The EGAD-VA Committee is studying and will report this coming fall on growing challenges that are fundamental to the administration of justice and mission of the bar, namely the availability of legal services to ALL Virginians regardless of location, income, or other factors that may affect their access to legal help. The committee has consumed large amounts of my time since March 2024 and will continue to do so for most of this calendar year, but the burden on me has been small compared to the massive amounts of time and labor required for our staff director, Crista Gantz, as she collects, analyzes, and prepares for use spoken, textual, and numerical information from multiple scores of sources for use by our committee and ultimately by Bar Council. This work is crucial to our committee as we determine the extent, impact, and most promising solutions for the expanding number of Virginians who have no access to legal help when they need it now and will have less access in the future.

Crista is of course also staff director of the Access to Legal Services Committee, which has myriad responsibilities, and for administrative support shares one assistant with two other VSB departments. She needs more support now and will need more in the future as new needs for her time develop. I therefore strongly support the removal of the legislative cap on dues so that the bar can more meaningfully respond to staffing needs without the artificial barrier of a dues cap imposed 25 years ago.

Sincerely,

David B. Neumeyer



Offices in: Danville, Martinsville, Farmville, Lynchburg and Suffolk • Outreach Center in South Hill  
Free legal advice and information at 1-866-LegalAid (534-5243) and legal information at [www.VLAS.org](http://www.VLAS.org) and [www.VaLegalAid.org](http://www.VaLegalAid.org)  
Central Virginia, Danville-Pittsylvania County, Franklin-Southampton, Henry County & Martinsville, South Hampton Roads  
and Prince Edward United Way member agency

---

\* Received after the close of the Public Comment Period:

**From:** [j.mccauley53@gmail.com](mailto:j.mccauley53@gmail.com) <[j.mccauley53@gmail.com](mailto:j.mccauley53@gmail.com)>  
**Sent:** Thursday, May 22, 2025 1:14 PM  
**To:** publiccomment <[PublicComment@vsb.org](mailto:PublicComment@vsb.org)>; Rountree, Cameron <[CRountree@vsb.org](mailto:CRountree@vsb.org)>  
**Subject:** EXT: Public Comment on Conversion of VSB Conferences to Sections

**Caution:** This email originated from outside the VSB. Do not click links or open attachments unless you recognize and have verified the sender.

Dear Cameron,

On May 12, 2025, the VSB gave notice and invited comment on proposed changes to the Bylaws of the Virginia State Bar and Council (Bylaws). While the posting notes that the changes to the Bylaws are *proposed*, given that the Supreme Court entered the Order on April 16, 2025, to make the conversion of the 4 Conferences to Sections no later than June 30, 2025, I don't see or understand what is left for me to comment about! The deed has been done.

I understand that the reason given for making this significant change is that "the Court has determined it is in the finance interests of the Virginia State Bar that its four conferences . . . be converted to sections." Presumably, this means that the VSB will now be able to charge members of these 4 conferences "section dues," and perhaps require that they pay for the expenses of their projects and programs out of a section budget, not the general budget.

I am sympathetic to the VSB's financial situation and its intent to garner support to introduce a bill to have the General Assembly lift the statutory cap on annual dues. I support that initiative and believe that an increase in annual dues has become necessary as the VSB has depleted its reserve to pay for operating expenses that have risen over several years. The VSB needs to increase its revenue to meet the expenses of its operations.

What I do not support and oppose is the conversion of the conferences to sections. To me, the work and progress of the Conferences has always been broader and more reaching than any of the sections of the VSB. The scope of work and outreach of the four conferences extends well beyond serving its members but rather focuses on serving the needs of the public and legal community at large. I cannot say that about the work of the sections which tend more to serve their respective members' interests, which is OK. But my point is that the four conferences are by no means comparable to the sections and should not be treated as such.

Thank you for the opportunity to comment on this rule change.

Respectfully,  
Jim



# TAB 13



# Virginia State Bar

1111 E. Main Street, Suite 700  
Richmond, Virginia 23219-0026  
Telephone: (804) 775-0500

---

**To:** VSB Executive Committee and Council

**From:** Melissa W. Robinson, Chair, Standing Committee on Lawyer Discipline  
("COLD")  
Renu M. Brennan, Bar Counsel

**Date:** May 16, 2025

**Re:** Proposed Amendments to Part 6, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia, Procedure for Disciplining, Suspending, and Disbarring Attorneys ("Paragraph 13").

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## I. Action Requested

COLD respectfully requests that the Executive Committee recommend and Council approve amendments to conform Paragraph 13 to Va. Code § 54.1-3935 A<sup>1</sup> by adding a specific mechanism for Bar Counsel to elect a three-judge circuit court for each type of disciplinary proceeding. The proposed amendments also

- (1) clarify sanctions available to a three-judge circuit court in district committee proceedings;
  - (2) eliminate restrictions on imposition of terms for suspensions of one-year or less;
- and

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<sup>1</sup> § 54.1-3935. Procedure for disciplining attorneys by three-judge circuit court.

A. Any attorney who is the subject of a disciplinary proceeding or the Virginia State Bar may elect to terminate the proceeding before the Bar Disciplinary Board or a district committee and demand that further proceedings be conducted by a three-judge circuit court. Such demand shall be made in accordance with the rules and procedures set forth in Part Six, Section IV, Paragraph 13 of the Rules of Supreme Court of Virginia. Upon receipt of a demand for a three-judge circuit court, the Virginia State Bar shall file a complaint in a circuit court where venue is proper and the chief judge of the circuit court shall issue a rule against the attorney to show cause why the attorney shall not be disciplined. At the time the rule is issued by the circuit court, the court shall certify the fact of such issuance and the time and place of the hearing thereon to the Chief Justice of the Supreme Court, who shall designate the three-judge circuit court, which shall consist of three circuit court judges of circuits other than the circuit in which the case is pending, to hear and decide the case. The rules and procedures set forth in Part Six, Section IV, Paragraph 13 of the Rules of Supreme Court of Virginia shall govern any attorney disciplinary proceeding before a three-judge circuit court.

- (3) conform the disciplinary board and district committee procedures regarding request for and consideration of a respondent's disciplinary record.

## II. Public Comments

The attached two comments, one in favor and one against the proposed amendments, were received when the proposed Rule changes were released for public comment.

The comment in opposition identifies three objections to amend Para. 13 to conform to Va. Code Section 54.1-3935.A:

1. Respondents should have the exclusive option of deciding whether a three-judge circuit court will hear a disciplinary case in lieu of the Disciplinary Board or a District Committee because respondents face pressures that Bar Counsel does not. The pressures include the embarrassment of having a case tried in a respondent's judicial circuit and costs. Additionally, Bar Counsel recommends and the Subcommittee decides whether to certify, authorize an agreed disposition, or dismiss. Respondent does not participate in this process. Bar Counsel thus "doesn't need, and shouldn't get, the added benefit of being able to force a respondent to defend before a three-judge panel in the respondent's home Circuit."
2. Respondent may have a "federal right" under *N.C. State Board of Dental Examiners v. Federal Trade Commission*, 574 U.S. 494 (2015) to opt-out of peer-based adjudication and demand a three-judge panel. "Bar Counsel has conceivable argument for a comparable federal right."
3. There is no analysis of the proposal on judicial and taxpayer resources. Council should not approve the proposal prior to publication of analysis of the proposal's impact on judicial and taxpayer resources.

Responses to the objections:

1. Each objection is to the statutory right of Bar Counsel to elect a three-judge circuit court. That right exists. Conceivably, Bar Counsel could invoke the right now. The proposed amendments seeking to conform Paragraph 13 to the statute place the same limitations and deadlines on Bar Counsel as respondents.
2. The proposed amendments do not eliminate Respondent's right to request a three-judge circuit court. The amendments merely create a mechanism for, and place the same limitations on, Bar Counsel.
3. Fairness does not dictate that Respondents enjoy an exclusive right to elect a three-judge circuit court. In criminal cases, where rights to liberty are at stake, defendants do not have an exclusive right to select a jury. Prosecutors

and the courts may select a jury. Licensure to practice is a privilege, not a right.

4. Neither respondents nor Bar Counsel have a “federal right” to opt-out of peer-to-peer regulation. Va. Code Section 54.1-3935.A confers on both respondents and Bar Counsel a right to elect a three-judge circuit court.
5. The anticipated impact, if any, on judicial resources should be minimal. Since January 1, 2022, it is estimated that Subcommittees certified cases against 96 respondents<sup>2</sup>, and 45 respondents have requested three-judge circuit courts. If Paragraph 13 is amended to conform to Va. Code 54.1-3935.A, COLD has approved a policy which provides that, in the interest of peer-to-peer regulation, Bar Counsel should limit demands for a three-judge circuit court to matters in which Bar Counsel determines it is required by the ends of justice, such as to facilitate the presentation of evidence or to ensure the orderly conduct of a hearing.

### **III. Action Requested**

The Court is authorized to regulate the practice of law in the Commonwealth of Virginia and to prescribe procedures for disciplining, suspending, and disbaring attorneys. Va. Code §§ 54.1-3909, 3910.

Pursuant to this statutory authority, the Supreme Court of Virginia has promulgated Part 6 Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia, which sets forth the procedures for disciplining, suspending, and disbaring attorneys.

The attached proposed amendments were unanimously approved by COLD at its meeting on May 14, 2025.

COLD requests the Executive Committee recommend for Council's approval, and Council approve these amendments to Paragraph 13.

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<sup>2</sup> Some respondents had multiple matters in one hearing and/or multiple matters in multiple hearings.

## 13-16 District Committee Proceedings

- B. Response by Respondent Required and Optional Demand for Three-Judge Circuit Court. After the Respondent has been served with the Charge of Misconduct, the Respondent must, within 21 days after service of the Charge of Misconduct:
- a. File an Answer to the Charge of Misconduct with the Clerk, which Answer is deemed consent to the jurisdiction of the District Committee; or
  - b. File an Answer to the Charge of Misconduct and a demand with the Clerk that the proceedings before the District Committee be terminated and that further proceedings be conducted pursuant to Va. Code § 54.1-3935; and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon the filing of an Answer and such a demand, and provision of available dates as specified above, further proceedings before the District Committee must terminate, and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame is not a deadline for the hearing to be held.

If Bar Counsel elects that further proceedings be conducted pursuant to Va. Code § 54.1-3935 instead of before the District Committee, Bar Counsel must, within 21 days after service of the Charge of Misconduct on Respondent, file a demand with the Clerk that proceedings before the District Committee be terminated and that the further proceedings be conducted pursuant to Va. Code § 54.1-3935; and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon the filing of such a demand, and provision of available dates as specified above, further proceedings before the District Committee must terminate, and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame is not a deadline for the hearing to be held. If Bar Counsel fails to file a demand within 21 days after service of the Charge of Misconduct on Respondent and provide available dates, as specified above, Bar Counsel is deemed to have consented to the jurisdiction of the District Committee.

If Bar Counsel timely files a demand that further proceedings be conducted pursuant to Va. Code § 54.1-3935 and Respondent has not previously filed an Answer to the Charge of Misconduct, Respondent must file an Answer to the complaint required by Va. Code § 54.1-3935 within 21 days after service of the complaint.

. . .

X. Sanctions. If the District Committee finds that Misconduct has been shown by clear and convincing evidence, then the District Committee must, prior to determining the appropriate sanction to be imposed, inquire whether the Respondent has a Disciplinary Record in this or any other jurisdiction and must give Bar Counsel and the Respondent an opportunity to present material evidence in aggravation or mitigation, as well as argument. In determining what disposition of the Charge of Misconduct is warranted, the District Committee must consider the Respondent's Disciplinary Record. After considering evidence and arguments in aggravation and mitigation, the A-District Committee must may:

1. Conclude that an Admonition, with or without Terms, should be imposed;
2. Issue a Public Reprimand, with or without Terms; or
3. Certify the Charge of Misconduct to the Board or file a complaint in a Circuit Court, pursuant to Va. Code § 54.1-3935.

A three-judge Circuit Court must impose a public Admonition or Public Reprimand, with or without Terms, a Suspension of the Respondent's license, with or without Terms, or Revocation of the Respondent's License. A Suspension may be for a stated period not exceeding five years; provided, however, if the Suspension is for more than one year, the Respondent must apply for Reinstatement as provided in this Paragraph.

If the three-judge Circuit Court imposes either a Suspension or Revocation, the three-judge Circuit Court must also state the effective date.

### **13-17 Perfecting an Appeal of a District Committee Determination by the Respondent**

- A. Notice of Appeal; Demand. Within ten days after service on the Respondent of the District Committee Determination, the Respondent may file with the Clerk either a notice of appeal to the Board or a notice of appeal and a written demand that further proceedings be conducted pursuant to Va. Code § 54.1-3935. In either case, the Respondent must send copies to the District Committee Chair and to Bar Counsel. Bar Counsel may file a written demand that further proceedings be conducted pursuant to Va. Code § 54.1-3935 within ten days after Respondent's filing of a notice of appeal of the District Committee Determination. Upon such demand from either Respondent or Bar Counsel, further proceedings before the Board must terminate, and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. If the Respondent or Bar Counsel fails to file a demand, as specified above, the Respondent or Bar Counsel is deemed to have consented to the jurisdiction of the Board.

### **13-18 Board Proceedings Upon Certification**

- A. Filing by Respondent. Response by Respondent Required and Optional Demand for Three-Judge Circuit Court. After a Subcommittee or District Committee certifies a matter to the Board, and the Respondent has been served with the Certification, the Respondent must, within 21 days after service of the Certification:
1. File an Answer to the Certification with the Clerk, which Answer is deemed consent to the jurisdiction of the Board; or
  2. File an Answer to the Certification and a demand with the Clerk that the proceedings before the Board be terminated and that further proceedings be conducted pursuant to Va. Code § 54.1-3935; and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon the filing of an Answer and such demand and provision of available dates as specified above, further proceedings before the Board must terminate, and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be

scheduled as soon as practicable. However, the 30- to 120-day time frame is not a deadline for the hearing to be held.

If Bar Counsel elects that further proceedings be conducted pursuant to Va. Code § 54.1-3935 instead of before the Board, Bar Counsel must, within 21 days after service of the Certification on Respondent, file a demand with the Clerk that the proceedings before the Board be terminated and that further proceedings be conducted pursuant to Va. Code § 54.1-3935; and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon the filing of such demand and provision of available dates, as specified above, further proceedings before the Board must terminate, and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame is not a deadline for the hearing to be held. If Bar Counsel fails to file a demand within 21 days after service of the Certification on Respondent and provide available dates, as specified above, Bar Counsel is deemed to have consented to the jurisdiction of the Board.

If Bar Counsel timely files a demand that further proceedings be conducted pursuant to Va. Code § 54.1-3935 and Respondent has not previously filed an Answer to the Certification, Respondent must file an Answer to the complaint required by Va. Code § 54.1-3935 within 21 days after service of the complaint.

...

D. Expedited Hearings.

1. If Bar Counsel or a District Committee Chair has reasonable cause to believe that an Attorney is engaging in Misconduct which is likely to result in injury to, or loss of property of, one or more of the Attorney's clients or any other person, and that the continued practice of law by the Attorney poses an imminent danger to the public, Bar Counsel or the District Committee Chair may petition the Board to issue an order requiring the Attorney to appear before the Board for a hearing in accordance with the procedures set forth below.
2. The petition must be under oath and must set forth the nature of the alleged Misconduct, the factual basis for the

belief that immediate action by the Board is reasonable and necessary and any other facts which may be relevant to the Board's consideration of the matter, including any prior Disciplinary Record of the Attorney.

3. Upon receipt of the petition, the Chair or Vice-Chair of the Board must issue an order requiring the Respondent to appear before the Board not less than 14 nor more than 30 days from the date of the order for a hearing to determine whether the Misconduct has occurred and the imposition of sanctions is appropriate. The Board's order must be served on the Respondent no fewer than ten days prior to the date set for hearing.
4. If the Respondent, at the time the petition is received by the Board, is the subject of an order then in effect by a Circuit Court pursuant to Va. Code § 54.1-3936 appointing a receiver for his accounts, the Board must issue a further order summarily suspending the License of the Respondent until the Board enters its order following the expedited hearing.
5. At least five days prior to the date set for hearing, the Respondent must either file an Answer to the petition with the Clerk, which Answer is conclusively deemed consent to the jurisdiction of the Board; or file an Answer and a demand with the Clerk that proceedings before the Board be terminated and that further proceedings be conducted pursuant to Va. Code § 54.1-3935; and simultaneously provide available dates for a hearing not less than 30 days nor more than 120 days from the date of the Board order. Bar Counsel may also, at least five days prior to the date set for hearing, file a demand with the Clerk that proceedings before the Board be terminated and that further proceedings be conducted pursuant to Va. Code § 54.1-3935; and simultaneously provide available dates for a hearing not less than 30 days nor more than 120 days from the date of the Board order. Upon the filing of an Answer and such demand by the Respondent and provision of available dates, as specified above, or the filing of such demand by Bar Counsel and provision of available dates,

as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1- 3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. If any order of summary Suspension has been entered, such Suspension must remain in effect until the court designated under Va. Code § 54.1-3935 enters a final order disposing of the issue before it. If the Respondent fails to file an Answer, or an Answer and a demand, and provide available dates, as specified above, the Respondent is deemed to have consented to the jurisdiction of the Board. If Bar Counsel fails to file a demand and provide available dates, as specified above, Bar Counsel is deemed to have consented to the jurisdiction of the Board. If Bar Counsel timely files a demand that further proceedings be conducted pursuant to Va. Code § 54.1-3935 and Respondent has not previously filed an Answer to the petition, Respondent must file an Answer to the complaint required by Va. Code § 54.1-3935 within 21 days after service of the complaint.

...

M. Disposition Upon a Finding of Misconduct. If the Board concludes that there has been presented clear and convincing evidence that the Respondent has engaged in Misconduct, then the Board must, prior to determining the appropriate sanction to be imposed, inquire whether the Respondent has a Disciplinary Record in this or any other jurisdiction and must give Bar Counsel and the Respondent an opportunity to present evidence in aggravation and mitigation, as well as argument. In determining what disposition of the Certification is warranted, the Board must consider the Respondent's Disciplinary Record. aAfter considering evidence and arguments in aggravation and mitigation, the Board must impose one of the following sanctions and state the effective date of the sanction imposed:

1. Admonition, with or without Terms;
2. Public Reprimand, with or without Terms;
3. Suspension of the License of the Respondent, with or without Terms,

- a. ~~F~~for a stated period not exceeding five years; provided, however, if the Suspension is for more than one year, the Respondent must apply for Reinstatement as provided in this Paragraph; or
  - b. ~~or a stated period of one year or less, with or without terms; or~~
4. Revocation of the Respondent's License.

### **13-20 Board Proceedings Upon Certification for Sanction Determination**

- A. Optional Demand for Three-Judge Circuit Court. If either Bar Counsel or the Respondent elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the party seeking to terminate Board proceedings Respondent must file a demand with the Clerk within 10 days of the date of mailing of the notice of hearing and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. If the Respondent or Bar Counsel fails to file a demand, and provide available dates, as specified above, the Respondent or Bar Counsel is deemed to have consented to the jurisdiction of the Board.

### **13-21 Board Proceedings Upon a First Offender Plea**

- C. Optional Demand for Three-Judge Circuit Court. If either the Attorney Respondent or Bar Counsel elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Attorney party seeking to terminate Board proceedings must file a demand with the Clerk not later than ten days prior to the date set for the Board hearing, and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be

held. If the Respondent or Bar Counsel fails to file a demand, and provide available dates, as specified above, the Respondent or Bar Counsel is deemed to have consented to the jurisdiction of the Board.

### **13-22 Board Proceedings Upon a Guilty Plea or an Adjudication of a Crime**

F. Optional Demand for Three-Judge Circuit Court. If either the Respondent or Bar Counsel elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent party seeking to terminate Board proceedings must file a demand with the Clerk not later than ten days prior to the date set for the hearing before the Board, and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. Any summary Suspension issued by the Board must remain in effect until the court designated under Va. Code § 54.1-3935 enters a final order, unless earlier terminated pursuant to subparagraph 13-22.B. If the Respondent or Bar Counsel fails to file a demand, and provide available dates, as specified above, the Respondent or Bar Counsel is deemed to have consented to the jurisdiction of the Board.

### **13-24 Board Proceedings Upon Disbarment, Revocation or Suspension in Another Jurisdiction**

I. Optional Demand for Three-Judge Circuit Court. If either the Respondent or Bar Counsel elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent party seeking to terminate Board proceedings must file a demand with the Clerk within 14 days of the date of mailing of the Board order and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be

held. Any summary Suspension issued by the Board must remain in effect until the court designated under Va. Code § 54.1-3935 enters a final order. If the Respondent or Bar Counsel fails to file a demand, and provide available dates, as specified above, the Respondent or Bar Counsel is deemed to have consented to the jurisdiction of the Board.

### **13-25 Proceedings for Reinstatement**

G. Reinstatement Proceedings After a Revocation. If the threshold requirements of subparagraph 13-25.F have been met, the following processes must ensue:

...

3. Completion of Investigation and Hearing Date. As soon as practicable, Bar Counsel must complete the Investigation and notify the Clerk and the Petitioner of the completion of the Investigation in writing. The Petitioner or Bar Counsel may elect to have further proceedings on the petition conducted by a three-judge €Circuit €Court by filing a demand with the Clerk not later than 21 days after Bar Counsel's notice of completion of Investigation is served and simultaneously providing available dates for a hearing on the petition not less than 30 nor more than 120 days after the date of the demand. ~~The demand must include the Petitioner's available dates for a hearing on the petition not less than 30 days nor more than 120 days after the date of the demand;~~ However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. If the Petitioner or Bar Counsel does not file a demand with the Clerk to have further proceedings conducted by a three-judge €Circuit €Court by the 21-day deadline, the Petitioner or Bar Counsel will be deemed to have consented to the jurisdiction of the Board. If the Petitioner or Bar Counsel elects further proceedings before a three-judge €Circuit €Court as set forth in this subsection, Bar Counsel must file a petition for rule to show cause, attaching the petition for Reinstatement, in the Circuit Court for the City of Richmond, and the chief judge must issue a rule against the Petitioner to show cause why the Petitioner's license should be reinstated. The Circuit Court for the City of Richmond must then certify the fact of issuance of the rule to show cause

and the time and place of the hearing thereon to the Chief Justice of the Supreme Court, who must designate a three-judge eCircuit eCourt consisting of three eCircuit eCourt judges from any circuit to hold a hearing on the petition. The date of the hearing must be determined by the Clerk in consultation with the Bar Counsel and the Petitioner.

### **13-29 Duties of Disbarred or Suspended Respondent**

- B. Optional Demand for Three-Judge Circuit Court. If the Respondent or Bar Counsel elects to have further proceedings conducted pursuant to Va. Code § 54.1-3935, the Respondent or Bar Counsel must file a demand with the Clerk within 10 days of the date of mailing of the petition for show cause and simultaneously provide available dates for a hearing not less than 30 nor more than 120 days from the date of the demand. Upon such demand and provision of available dates as specified above, further proceedings before the Board must be terminated and Bar Counsel must file the complaint required by Va. Code § 54.1-3935. The hearing must be scheduled as soon as practicable. However, the 30- to 120-day time frame does not constitute a deadline for the hearing to be held. If the Respondent or Bar Counsel fails to file a demand, and provide available dates, as specified above, the Respondent or Bar Counsel is deemed to have consented to the jurisdiction of the Board.

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**From:** attyabeq@aol.com  
**Sent:** Tuesday, May 6, 2025 12:36 AM  
**To:** publiccomment  
**Subject:** EXT: Paragraph 13 Amendments

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I support the effort. It's both timely and fair. In addition, it should help discipline a miniscule number of lawyers who over the last dozen years have bankrupt the VSB client fund and tarnished the name and reputation of the more than 99% of VSB members and staff.

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May 12, 2025

Cameron Rountree, Esq.  
VSB Executive Director  
[publiccomment@vsb.org](mailto:publiccomment@vsb.org)

RE: COLD's Proposed Changes to Disciplinary Procedure

Dear Mr. Rountree:

I am writing to oppose COLD's proposed changes to Virginia's Disciplinary Procedures to the extent those changes would grant Bar Counsel the right to demand three-judge panels. My perspective is based a wide-array of experience in disciplinary law and procedure.<sup>1</sup> I see that the announcement soliciting public comment states a response deadline of Saturday, May 10, 2025. I hope you will accept this letter notwithstanding my two calendar day delay in responding.

First Objection

Being the subject of a bar prosecution is a high-stress event for all of my respondent clients. Most of my respondent clients believe a three-judge trial will be a higher anxiety event than litigating in front of a District Committee or Board panel that consists of volunteers.

My respondent clients are always weighing important factors such as geographic convenience (vs. potential embarrassment) of having a case tried in one's own Circuit, loss of billable revenue associated time needed to prepare for and attend a disciplinary hearing (wherever located), and the cost of paying for my services directly and/or paying for what may become increased malpractice premiums when I'm paid by a carrier.

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<sup>1</sup> I have been defending respondents in Virginia for more than 30 years. In the District of Columbia, where I also defend respondents, I served from 1994-2000 as a Hearing Committee Member (the trial-level adjudicative body for all disciplinary prosecutions); served from 2004-2009 on the Rules of Professional Conduct Committee; and I am presently completing my sixth and final year on the Legal Ethics Committee. In between my service on the Hearing Committee and my appointment to the RPC Committee, I was twice appointed as a Special Bar Counsel in matters in which the District's Office of Bar Counsel was conflicted out. I have also taught dozens of ethics CLEs in Virginia and in the District, some of which were exclusively focused on disciplinary procedure. I am writing today solely in my capacity as a defender of bar complaints.

The lawyers in Bar Counsel's Office have no comparable pressures. What they do have is *ex parte* influence over which cases get certified for prosecution and the content of the certification. They also have substantial control over which cases go to trial based on their own willingness, or not, to enter into agreed dispositions. Bar Counsel doesn't need, and shouldn't get, the added benefit of being able to force a respondent to defend before a three-judge panel in the respondent's home Circuit.

### Second Objection

An argument could be made that a Respondent has a federal right to opt-out of peer-based adjudication and instead demand to be heard by a three-judge panel. *See N.C. State Board of Dental Examiners v. Federal Trade Commission*, 574 U.S. 494 (2015). Bar Counsel has conceivable argument for a comparable federal right.

### Third Objection

The proposal as posted to the Bar's website does not appear to contain any analysis of the proposal's impact on judicial and taxpayer resources. Three-judge panels consist solely of judges from outside the Circuit in which the disciplinary trial will be held. That means three different Circuit Courts must plan to be short by one sitting judge each time a prosecution is scheduled for trial. The Council should not be adopting COLD's proposal before such an analysis is published.

### Conclusion

As the saying goes, *If it ain't broke, don't fix it*. For each of the reasons outlined above, I urge rejection of COLD's proposal to the extent the proposal would grant Bar Counsel the right to demand three-judge panels.

Thank you for your attention to this letter.

Respectfully yours,

/s/ *Daniel Schumack*

Daniel Schumack VSB 28729

cc: Seth Guggenheim

# TAB 14



# Virginia State Bar

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Richmond, Virginia 23219-0026  
Telephone: (804) 775-0500

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**To:** VSB Executive Committee and Council

**From:** Emily F. Hedrick, Ethics Counsel

**Date:** June 12, 2025

**Re:** Proposed Rule of Professional Conduct 1.9(c) – Conflict of Interest-Former Client

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The proposed amendment to Rule 1.9(c) would permit a lawyer to use information gained in the course of the representation of a former client to the disadvantage of that former client if the information is limited to criminal history information that is available from external records in a law enforcement database or court records.

The proposed change would reduce the number of conflicts faced by criminal defense lawyers, including public defender offices. Under the current rule, a lawyer who learned a client's criminal history during a previous representation has a conflict when representing a new client if the former client is an adverse witness and thus subject to impeachment based on that criminal history.

The amendment to Rule 1.9(c) would permit a lawyer to use that information to the disadvantage of a former client when that information is limited to criminal history information that is available from law enforcement databases or court records. This information would also typically be provided by the prosecution to any lawyer representing the defendant, and therefore the lawyer has no special advantage or additional information to be used against the former client.

## **1.9 Conflict of Interest: Former Client**

- (a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless both the present and former client consent after consultation.
- (b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client:

- (1) whose interests are materially adverse to that person; and
- (2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter;

unless both the present and former client consent after consultation.

- (c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:
- (1) use information relating to or gained in the course of the representation to the disadvantage of the former client except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client, or when the information has become generally known, or when the information consists solely of criminal history information that can be obtained from law enforcement databases or court records; or
  - (2) reveal information relating to the representation except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client.

### **Public Comments**

Seven comments were received when the proposed amendment was released for public comment. Four comments were in favor of the amendment, while others expressed concerns about how the rule would be interpreted and enforced and whether it would harm clients' confidence in their lawyers and in the legal system.

**From:** [attyabeg@aol.com](mailto:attyabeg@aol.com)  
**To:** [publiccomment](#)  
**Subject:** EXT Rule 1.9 Public Comment  
**Date:** Tuesday, April 1, 2025 7:38:55 PM

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A reading of the proposed rule itself makes no sense, and will open up disputes over its interpretation if enacted. Secondly, I am totally opposed to the proposal. It would serve to create a divide between client and lawyer, over whether the information the client provides could possibly be employed against him/her in the future.

Frankly, with all the issues facing the profession as we advance into the 21st century, why focus on rules and practices that have served the profession well for many years. I vote no.

August Bequai, Esq.  
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**From:** [Sherri Carr](#)  
**To:** [publiccomment](#)  
**Subject:** EXT Rule 1.9 Public Comment  
**Date:** Wednesday, April 2, 2025 7:04:31 AM

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I wholeheartedly support this proposed change. The gravamen of the conflict arises when we have confidential information about the prior client that could potentially be used as impeachment. When we have no access to a prior file then we have no access to that privileged information. convictions are a matter of public record meaning we could simply use those for impeachment that doesn't require having specified or prohibited information. In voluminous firms or PD offices this will cut down on conflicts and allow service to more clients.

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**From:** [Sandra Haley](#)  
**To:** [publiccomment](#)  
**Subject:** EXT Rule 1.9 Public Comment  
**Date:** Tuesday, April 1, 2025 5:31:16 PM

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As a public defender and previous court appointed counsel, I strongly support the proposed amendment to Rule 1.9. It is eminently reasonable and practical. Sandra Haley, VSB #39513, Martinsville VA.

**From:** [Shaun Huband](#)  
**To:** [publiccomment](#)  
**Subject:** EXT Comment on Rule 1.9  
**Date:** Tuesday, April 1, 2025 10:54:53 AM

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Hello,

I support the change to rule 1.9. The current rule is unworkable, at least it relates to criminal history, for Public Defenders in geographically or population-wise small jurisdictions. It takes publicly available information which is not a secret and transforms that information into sensitive information that has to be kept secret for no purpose. It makes the Public Defender (and private counsel in small jurisdictions) system unworkable. There aren't enough lawyers to handle cases as we have now. Thus, I support the change and strongly urge the Bar to adopt this change.

--

Shaun R. Huband, Esq.  
Chief Public Defender

**Please note my NEW EMAIL ADDRESS: [shuband@vadefenders.org](mailto:shuband@vadefenders.org)**



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**From:** [James A. Segall](#)  
**To:** [publiccomment](#)  
**Subject:** EXT Rule 1.9 Public Comment  
**Date:** Wednesday, April 2, 2025 11:25:29 AM

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This rule change is a bad idea. It falls under the category of “a beautiful theory killed by a fact.”

Unless defense counsel only asked the former client questions about the facts of the case and the client’s criminal history, then there is no way to assure that information other than the criminal history would be known. Counsel may not even remember any other facts until something during direct examination prompts his/her memory.

Since it appears to be a PD problem being addressed, maybe the rule could be changed so that an attorney in a firm or PD office who had nothing to do with the prior case is allowed to represent the new client, if the lawyer has no knowledge of the prior case and is not allowed to access the file from the prior case.

This would avoid any potential problems associated with refreshed memory and more importantly, the witness/prior client in the new criminal matter will not be faced with the discomfort of being cross-examined by who he/she views as his/her lawyer.

***James A. Segall\****

***Segall Legal Services, PC<sup>+</sup>***

***Phone Number: (757) 286-4906***

***Fax Number: (757) 829-5010***

***Email address: [jim@jsvalaw.com](mailto:jim@jsvalaw.com)***

\* Licensed to practice law by the Commonwealth of Virginia

+ A Virginia professional corporation

**From:** [Travis White](#)  
**To:** [publiccomment](#)  
**Subject:** EXT Public Comment Proposed Rule Rule 1.9  
**Date:** Tuesday, April 1, 2025 9:34:31 AM

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Good morning,

This change in the rule seems problematic, and therefore I am opposed to the change.

First, how does an attorney prove it is information obtained solely through public records? Criminal defense attorneys individually, and in larger practices, learn more about their clients other than through public information. How can an attorney effectively represent one client while destroying another? This seems like practice with one-hand tied behind your back and hoping a court doesn't grant a habeas.

Second, the habeas issue is there for all to see. Who knows what state or federal court would do even if you are not a fool of a rule. This will increase malpractice insurance premiums and further erode confidence in an overworked and underfunded system.

Third, public perception. While in everyday misdemeanors and minor felonies, the public may pay no notice, but on a murder, sexual assault, or major felony this would appear an attorney is taking advantage of one client to save another. Not a good look.

To me, it seems like a solution looking for a problem -- that problem being the general assembly woefully not funding court appointed attorneys outside a PD's office. This is a bad rule trying to save the general assembly from its own mess. VSB should not let them off the hook, and demand greater funding for court appointed counsel from the private bar.

Travis S. White, Esq.

**From:** [Erin Topp](#)  
**To:** [publiccomment](#)  
**Subject:** EXT: In Favor of Proposed amendments to Rule of Professional Conduct 1.9  
**Date:** Monday, April 7, 2025 3:43:19 PM

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Good afternoon. I am writing to express my support of the proposed amendment to Rule 1.9. As a public defender, I have had to withdraw countless times due to very limited criminal history being present in a former client's file. (And such information is almost always publicly available and accessible via quick internet search.) It feels like a strange and draconian application of the rule.

Particularly now as many public defenders offices are going digital, we are going to retain former client files \*forever\* in the cloud, regardless of seriousness of the case or the extent of representation of that client. (Compare to previous practice: most files were removed from the office and destroyed after a certain number of years.) So we will have even more conflicts on this basis going forward if the rule does not change.

That said, there are some conflicts based on prior criminal history that truly feel like conflicts. For example, when the prior criminal history is very recent and very relevant to the particular defense (like drug distribution in a drug distribution case, or firearm violence history in a firearm case), and/or when the lawyer may know surrounding facts and circumstances (more than the mere fact of the conviction). But I am sure the above can be addressed or captured by other components of the rule.

Thank you for your time!

--

Erin K. Topp  
Assistant Public Defender  
Office of the Public Defender  
701 East Franklin Street  
Suite 600  
Richmond, Virginia 23219  
(804) 225-4330

# TAB 15



# Virginia State Bar

1111 E. Main Street, Suite 700  
Richmond, Virginia 23219-0026  
Telephone: (804) 775-0500

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**To:** VSB Executive Committee and Council

**From:** Emily F. Hedrick, Ethics Counsel

**Date:** June 12, 2025

**Re:** Legal Ethics Opinion 1901 – Generative AI and Billing

---

Proposed LEO 1901 discusses the reasonableness of fees when a lawyer uses time-saving tools that rely on generative AI. Acknowledging that hourly fees can only be based on the actual time spent on a task, the proposed opinion discusses other factors in Rule 1.5(a) that support value-based billing on a non-hourly basis for work done efficiently with the use of generative AI. The proposed opinion further explains some issues that may require additional explanation in order to comply with Rule 1.5(b)'s requirement to adequately explain the lawyer's fee, such as why the lawyer's experience or technical skills contribute to the value of the services even when the time spent providing the services is reduced by the effective use of generative AI.

The proposed opinion also critiques ethics opinions from other jurisdictions that indicate that it might be unreasonable for a lawyer to charge the same non-hourly fee for work done with the assistance of AI as for work done without the use of AI. The opinion concludes that value-based fees can reflect efficiency gains, the specialized skill of effectively incorporating technology, and the value of the lawyer's services and output, and remain reasonable under Rule 1.5(a).

## **Public Comments**

Five comments were received when the opinion was released for public comment, with four essentially in support of the opinion's analysis.

LEGAL ETHICS OPINION 1901  
Artificial Intelligence

## Reasonable Fees and the Use of Generative

**Introduction**

The rise of generative artificial intelligence – artificial intelligence that can generate text and other content – has led to renewed interest in whether and how lawyers can appropriately bill for work done with the assistance of generative AI. While it is clear that time-based billing, such as hourly fees, can only be based on the actual time spent on a task, lawyers increasingly seek guidance on the ethical parameters for non-hourly fee structures and how to assess reasonableness when using time-saving tools that rely on generative AI. This opinion discusses the ethical bounds and considerations when a lawyer is able to produce work dramatically more efficiently than in the past using generative AI. Though this opinion is specifically addressing productivity improvements generated through the use of generative AI, its principles may be equally applicable to a lawyer's use of other technological tools that result in comparable productivity improvements.

**Applicable Rule of Professional Conduct**

## Rule 1.5 Fees

- (a) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:
- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
  - (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
  - (3) the fee customarily charged in the locality for similar legal services;
  - (4) the amount involved and the results obtained;
  - (5) the time limitations imposed by the client or by the circumstances;
  - (6) the nature and length of the professional relationship with the client;
  - (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
  - (8) whether the fee is fixed or contingent.
- (b) The lawyer's fee shall be adequately explained to the client. When the lawyer has not regularly represented the client, the amount, basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation.

## Analysis

### Rule 1.5(a) – Reasonableness

Much of the discussion about value-based or other non-hourly billing schemes arises in the context of generative AI, but the application of Rule 1.5 is the same regardless of the reason for increased efficiency in legal work. When applying Rule 1.5's reasonableness factors to value-based billing, the tension lies between “the time and labor required” and “the skill requisite to perform the legal service properly,” both of which are components of 1.5(a)(1).

While generative AI can dramatically reduce the “time and labor required” for certain tasks, such as drafting routine documents, conducting preliminary research, or analyzing large volumes of data, it would not be reasonable to conclude that a lawyer is ethically required to reduce or limit the fee based solely on that factor. Rather, the “skill requisite to perform the legal service properly” might actually increase, as effective AI use could require specialized knowledge to prompt, verify, supplement, and integrate AI outputs into competent legal work product. The lawyer's judgment in determining when and how to deploy AI tools, and the expertise needed to critically evaluate AI-generated content, represent valuable services for which the lawyer reasonably can be compensated.

The factors concerning “the novelty and difficulty of the questions involved” (notably, this factor is included in the same sub-paragraph as the two factors discussed above) and “the experience, reputation, and ability of the lawyer” take on new dimensions in the AI context. The difficulty now includes properly configuring AI systems to address complex legal questions, understanding the limitations of current tools, and maintaining sufficient domain expertise to identify AI hallucinations or errors. A lawyer's unique value proposition might involve their ability to frame legal problems in ways technology can address while knowing when human judgment must predominate, which provides a sound basis for maintaining value-based fees even as raw production time decreases.

The factor addressing “the amount involved and the results obtained” supports value-based billing models that focus on outcomes rather than inputs. If AI assists a lawyer to achieve superior results more efficiently, the client benefits from both the improved outcome and potentially reduced total costs compared to a lawyer using traditional methods.

The committee notes that some other ethics opinions have reached a different conclusion. For example, ABA Formal Opinion 512 (2024) indicates, in the context of flat or contingent fees, that “if using a GAI tool enables a lawyer to complete tasks much more quickly than without the tool, it may be unreasonable under Rule 1.5 for the lawyer to charge the same flat fee when using the GAI tool as when not using it.” Likewise, in

March 20, 2025, Legal Ethics Committee Draft Opinion

2024 Formal Ethics Opinion 1, the North Carolina Bar cautioned that, “[i]f the use of AI in Lawyer’s practice results in greater efficiencies in providing legal services, Lawyer may not inaccurately bill a client based upon the ‘time-value represented’ by the end product should Lawyer have not used AI when providing legal services.” The North Carolina opinion goes on to suggest that flat fees may be appropriate in this context, but it is unclear to what extent the flat fee must be adjusted for the use of AI.

The committee disagrees with the conclusions stated or implied by those opinions, concluding that it is not per se unreasonable for a lawyer to charge the same non-hourly fee for work done with the assistance of AI as work done without the use of AI. Any legal fee, regardless of the basis or type of fee, must be reasonable considering all the factors identified in Rule 1.5(a), but the time spent on a task or the use of certain research or drafting tools should not be read as the preeminent or determinative factor in that analysis. The opinions cited above fail to appreciate the value of advancing technology and the reaction of the legal markets to that technology; while over time, the market rate might drop based on dramatic improvements in efficiency, Rule 1.5 should not require the lawyer to surrender any benefit from the efficiency gains if clients continue to receive value from the lawyer’s output.

#### **Rule 1.5(b) – Adequate explanation**

Separate from the reasonableness requirement in Rule 1.5(a), a lawyer’s fee must also be adequately explained to the client under Rule 1.5(b). When a lawyer uses a fee arrangement that is primarily based on the lawyer’s skills and the value of the anticipated final product, as opposed to time spent or reaching a fixed endpoint of a proceeding, the lawyer must ensure that the basis for that fee is adequately explained to the client. This could also be particularly important if the lawyer’s time spent on the specific representation is substantially reduced due to the productivity-enhancing tool, such that the client may need additional explanation of why the lawyer’s experience, technical skills, or other efficiencies contribute to the value of the services and determination of the fee.

#### **Conclusion**

When evaluating fee reasonableness for a lawyer who uses generative AI or other productivity-enhancing tools or experience, Rule 1.5 does not equate reduced time with proportionally reduced fees. Such an approach would fail to account for the investment lawyers make in developing AI expertise and the continuing value of their professional judgment. Instead, a proper analysis should recognize that reasonable non-hourly fees can reflect efficiency gains, the specialized skill of effectively incorporating technology, and the value of the relevant services and output.

**From:** [attyabeg@aol.com](mailto:attyabeg@aol.com)  
**To:** [publiccomment](#)  
**Subject:** EXT LEO 1901 Public Comment  
**Date:** Tuesday, April 1, 2025 7:47:16 PM

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The reason for embracing AI is to save time and resources for the attorney, which in turn counsel should pass on to the client. The technology is aimed at assisting both client and counsel. The proposal, while badly drafted and leaves much to the imagination, would have the savings of AI use in the profession go largely to the attorney. I vote no.

August Bequai, Esq.  
McLean, VA 22102  
Tel.: (703) 893-4806  
[attyabeg@aol.com](mailto:attyabeg@aol.com)

**From:** [Timothy McConville](#)  
**To:** [publiccomment](#)  
**Subject:** EXT LEO 1901 Public Comment  
**Date:** Tuesday, April 1, 2025 2:06:02 PM

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For non-hourly fees, proposed LEO 1901 strikes a reasonable balance among all the factors in Rule 1.5 and provides useful guidance with respect to the relative importance of the Rule 1.5(a) factors. Specifically, the LEO's emphasis that, in the context of non-hourly fees, time spent on a task or the use of a tool should not be read as the preeminent or determinative factor should provide important perspective to practitioners. I appreciate that the LEO expressly distinguishes the VSB ethics committee's proposed approach from the rules adopted in ABA Formal Opinion 512 and the North Carolina 2024 Formal Ethics Opinion 1.

Best regards,

**Timothy M. McConville, Esq.**

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**From:** [Matt Long](#)  
**To:** [publiccomment](#)  
**Subject:** EXT LEO 1901  
**Date:** Friday, April 4, 2025 12:24:30 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image005.png](#)  
[image007.png](#)

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I fully support Proposed Legal Ethics Opinion 1901. In fact, I believe its reasoning should extend beyond flat fees and value-based billing to include traditional hourly billing as well.

If a task once took an hour but now takes ten seconds thanks to AI, the value lies not just in the time spent, but in the years of training and experience it took to develop that efficiency. Knowing what to ask, how to review, and when to trust or refine an AI-assisted result are skills rooted in legal judgment—not shortcuts.

This same logic applies to other forms of legal work. For example, if a lawyer sends out a finely tuned discovery package that's been refined over 25 years of practice, it may only take minutes to prepare—but its value far exceeds the time it takes to send. Some lawyers rightfully charge what it would take to re-draft the entire package from scratch. That's not billing for "nothing"; it's billing for the accumulated knowledge, strategy, and experience embedded in that document.

We must ensure that our ethical framework recognizes the distinction between time spent and value delivered. Generative AI doesn't replace legal expertise—it amplifies it. And our billing practices should reflect that reality. The logic you all are using with value based billing, flat fees, and contingency fees can equally be applied to hourly billing models.

-

MATT LONG  
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Richmond, VA 23233-1319  
804-755-7599  
804-755-7550 Fax

**From:** [Justin Ritter](#)  
**To:** [publiccomment](#)  
**Subject:** EXT: Legal Ethics Opinion 1901  
**Date:** Thursday, April 24, 2025 4:22:02 PM

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VSB:

This is a great opportunity for our bar to reset relationships with our consumers, to give them greater certainty as to what they are paying for. That said, I do not want this rule to be interpreted as whatever time is saved by use of AI can then be billed to the consumer. Rather, if we are going to charge a client for time saved by using AI (as we should), its needs to be based on value to the consumer per deliverable and not on the time saved itself.

Thanks,

Justin

434-218-1172

[Schedule a meeting with me.](#)

**From:** [j.mccauley53@gmail.com](mailto:j.mccauley53@gmail.com)  
**To:** [publiccomment](#)  
**Subject:** EXT: Legal Ethics Opinion 1901  
**Date:** Tuesday, April 29, 2025 9:38:31 AM  
**Attachments:** [image001.png](#)

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Dear Ethics Committee:

I support the adoption of proposed LEO 1901. As I indicated in my comments in the VLW, the ABA Formal Op. 512 ( parts of which I agree) fails to address how lawyers may permissibly charge a reasonable fee for a legal representation in which the lawyer has used a GAI tool. Granted, using GAI is expected to enable lawyers and support staff to perform work more efficiently. On the other hand, in addition to the traditional training of a lawyer and support staff, obtaining and using a GAI tool requires specialized training and experience to develop the skills required to prompt and receive output that is relevant and responsive to a client's needs.

Lawyers, especially in certain areas of practice, i.e., criminal and family law, offer clients a flat fee for a legal representation. The reasonable value of a flat fee is measured by the factors in Rule 1.5(a). The actual time spent in performing a legal representation is but one of several factors set out in the rule. If a lawyer may only bill a client for the actual time spent in completing the legal representation, the other factors in Rule 1.5(a) would be meaningless.

Proposed LEO 1901 gives lawyers the option of using alternative billing methods. This is especially important because hourly billing is a source of great concern to individual and organizational clients. Alternative billing must remain reasonable and compliant with Rule 1.5. I expect that GAI will change the landscape of how lawyers and law firms bill clients for legal services. LEO 1901 foresees that and provides guidance for lawyers that employ non-hourly billing methods. Once a lawyer and client have agreed on a reasonable fee for a legal representation, what tools or means the lawyer chooses to represent a client is less important to the client that the results the lawyer obtains on the client's behalf.

# TAB 16



# Virginia State Bar

1111 E. Main Street, Suite 700  
Richmond, Virginia 23219-0026  
Telephone: (804) 775-0500

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**To:** VSB Executive Committee and Council

**From:** Emily F. Hedrick, Ethics Counsel

**Date:** June 12, 2025

**Re:** Proposed UPL Rules

---

The Legal Ethics Committee has proposed amendments to Part 6, § I, Paragraph 3(O) of the Rules of Court, Unauthorized Practice Rules.

The proposed amendments to Paragraph 3(O) would permit court clerks, librarians, courthouse navigators, and self-help center staff to answer questions about or otherwise assist with identifying, selecting, or completing a form prescribed by the Supreme Court of Virginia or other tribunal. The proposed rule also permits those persons to review the form to determine whether it has been completed with all required information and to assist with completing the form if a person is unable to do so because of disability, literacy, or language barriers.

The proposed amendments were recommended to the committee after being unanimously approved by the Virginia Access to Justice Commission. As explained by the Commission in its recommendation, self-represented litigants experience great difficulty and confusion in choosing which court forms they must use, yet many court clerks with whom they interact are not comfortable under the current UPL rule in providing any guidance on which forms are appropriate or on how to fill them out. This amendment makes clear that clerks, librarians, and courthouse navigators acting in a program approved by the local court may provide such information and assist a self-represented litigant in completing court forms without fear of violating the UPL rules.

Concerns about the strict limits on assistance that court clerks can offer dates back to the 2002 “Lacy Commission” and its report titled “Self Represented Litigants in the Virginia Court System: Enhancing Access to Justice.” That report recommended a rule of court that “enables clerks of court and staff to fulfill their duties, as public servants, to assist those using or interested in the court system and its processes without improperly engaging in the unauthorized practice of law.” Based on that report, the VSB proposed a rule to permit court clerks to provide assistance with selecting pre-printed forms, but the proposal was not approved by Council in 2003.

In the 20+ years since that proposal, concerns about self-represented litigants' access to the court system have only increased; further, the rise of self-help centers and court navigator programs have enlarged the group of people concerned about crossing the line into UPL when assisting self-represented litigants with matters before the court. According to John Greacen, (among other things, former clerk of the U.S. Court of Appeals for the Fourth Circuit and former deputy director of programs for the National Center for State Courts) an expert on court administration, as of 2022, “[a]lthough some courts initially insisted that the patron had to choose the form to complete, it is now generally accepted that court staff should provide patrons with the appropriate forms needed to accomplish the patron’s stated legal objective.”<sup>1</sup>

### **Comments**

When the proposal was released for public comment, 12 comments were received. Five were fully in support of the proposal, while two additional comments indicated that the proposal does not go nearly far enough to address the access to justice needs of the population. The remainder of the comments expressed concerns about the proposal, including possible liability for clerks for their advice, clerks being blamed for helping one side and not the other, and whether a disclaimer should be included when such assistance is offered.

The committee made no changes to the proposal based on the comments received. The proposal does nothing more than removing the threat of committing UPL (which, in addition to being investigated by the VSB, is a misdemeanor offense) if clerks or others covered by the rule choose to offer assistance as contemplated by the rule. Potential liability for nonlawyers offering assistance under this rule is a legal and policy issue beyond the scope of the UPL rules and the Legal Ethics committee.

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<sup>1</sup> See <https://judicature.duke.edu/articles/legal-information-vs-legal-advice-a-25-year-retrospective/>

**SECTION I. THE PRACTICE OF LAW IN THE COMMONWEALTH OF VIRGINIA  
AND THE UNAUTHORIZED PRACTICE OF LAW**

**1. PROHIBITION AGAINST UNAUTHORIZED PRACTICE OF LAW:** No non-lawyer shall engage in the practice of law in the Commonwealth of Virginia or in any manner hold himself or herself out as authorized or qualified to practice law in the Commonwealth of Virginia except as may be authorized by rule or statute. The term “non-lawyer” means any person, firm, association or corporation not duly licensed or authorized to practice law in the Commonwealth of Virginia. Any person or entity who practices law without being licensed or otherwise authorized to practice law shall be guilty of a Class 1 misdemeanor. Va. Code § 54.1-3904.

**2. GENERAL DEFINITION:** A person or entity engages in the practice of law when representing to another, by words or conduct, that one is authorized to do any of the following:

- A. Undertake for compensation, direct or indirect, to give advice or counsel to an entity or person in any matter involving the application of legal principles to facts.
- B. Select, draft or complete legal documents or agreements which affect the legal rights of an entity or person.
- C. Represent another entity or person before a tribunal.
- D. Negotiate the legal rights or responsibilities on behalf of another entity or person.

**3. EXCEPTIONS:** Non-lawyers and/or Foreign Lawyers (as defined by Part 6, § II, Rule 5.5, Rules of Supreme Court of Virginia) may engage in any of the following actions, even though they may constitute the practice of law:

- A. Providing legal services as permitted by Va. Code § 54.1-3900 (military legal assistance attorneys; third-year law students or persons in the last year of study in the law reader program practicing under the supervision of a practicing attorney; employees of state agencies in the course of employment representing the agency; non-lawyer employees of the Department of Social Services preparing and signing form petitions for the establishment, modification or enforcement of support in juvenile and domestic relations district courts); legal aid societies licensed by the Virginia State Bar pursuant to Va. Code § 54.1-3916 and non-lawyer employees thereof representing society patrons before a tribunal under the direct supervision of a legal aid staff attorney as authorized by the

governing body of that society and the rules of that tribunal; provided, however, that the legal aid staff attorney shall assume personal responsibility for any work performed by the non-lawyer.

- B. Providing legal services as a foreign attorney as authorized by Part IA of the Rules of Supreme Court of Virginia to include attorneys admitted *pro hac vice*, corporate counsel, registered military assistance attorneys, foreign legal consultants and military spouse provisional admittees.
- C. Providing legal services as a Foreign Lawyer pursuant to Part 6, § II, Rule 5.5 of the Rules of Supreme Court of Virginia (Virginia Rules of Professional Conduct).
- D. Acting as a lay representative authorized by law to appear before administrative agencies or tribunals.
- E. Appearing and filing certain pleadings as authorized under Va. Code § 16.1-88.03 and § 16.1-81.1 (employees or officers of certain business entities).
- F. Acting as a real estate settlement agent authorized by law to provide escrow, closing or settlement services for real estate transactions in the purchase or financing of real estate in the Commonwealth of Virginia. Va. Code, Title 55, Chapters 27.2 and 27.3.
- G. Preparing legal documents as an employee of an entity that are incidental to the entity's business and in connection with a transaction in which the entity has a direct or primary interest.
- H. Performing the tasks as a trustee pursuant to Va. Code § 64.2-778.
- I. Discharging the duties and exercising the powers of a trustee on a deed of trust pursuant to Va. Code § 55-59.4.
- J. Preparing Advanced Medical Directives pursuant to Va. Code §§ 54.1-2984, 54.1-2988, 54.1-2988.1 and 54.1-2993.1.
- K. Practicing before the Internal Revenue Service and the United States Tax Court as authorized by law.
- L. Participating in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements.

- M. Preparing a memorandum of understanding or agreement resulting from an alternative dispute resolution proceeding, to include, when necessary, completion of a child support guidelines worksheet.
- N. Working as a paralegal or providing other administrative support under the direct supervision of a licensed attorney.
- O. ~~Providing assistance as a court clerk to litigants in completing for filing, forms prescribed by the Supreme Court of Virginia or other tribunal; information shall be limited to description of forms, instructions for use, and required sections to complete. Court clerks shall not engage in providing legal advice, recommendations or opinions as part of the court clerk's assistance. Assisting a person as a court clerk, librarian, court-approved navigator, or self-help center staff by answering questions or otherwise assisting to identify, select, or complete any form prescribed by the Supreme Court of Virginia or other tribunal, including explaining the meaning of any terms or language used in the form; assisting a person to understand the information needed to complete the form; reviewing the finished form to determine whether the form contains all required information; and by providing assistance to complete the form if the court clerk, librarian, court-approved navigator, or self-help center staff believes the person is unable to do so because of disability, literacy, or language barriers. For purposes of this exception, "navigator" is defined as an individual who is not court staff, does not act within an attorney-client relationship, and provides direct assistance to a person with civil legal problems as part of a formal program.~~
- P. Serving as a registered patent agent.
- Q. Preparing and filing pleadings in general district court to recover possession of leased premises and/or recovery of rent as permitted by Va. Code § 55-246.1.
- R. Providing other legal services as authorized by state, federal or other law.
4. **EXCLUSIONS:** The following actions do not constitute the practice of law:
- A. Providing translation services.
  - B. Selling legal forms.
  - C. *Pro se* representation.
  - D. Serving as a mediator, arbitrator, conciliator, or facilitator.

- E. Serving as a fiduciary.
- F. Acting as a lobbyist.
- G. Teaching law or providing legal information.
- H. Negotiating settlements and preparing releases in the course of employment as an adjuster or agent for an insurer.
- I. Preparing tax returns to the extent authorized by the Internal Revenue Service or other state law.

**5. COMMENTS:**

- A. Definition of “tribunal”: The term “tribunal” shall include any agency, authority, board, commission or court when it determines the rights and obligations of parties to proceedings before it, as opposed to promulgating rules and regulations of general applicability.
- B. Real Estate Settlement Agents. A non-lawyer licensed real estate agent may, pursuant to Va. Code § 54.1-2101.1, prepare contracts incident to the regular course of conducting a licensed real estate business. Paragraph 3(F) of this rule allows attorneys licensed by the Virginia State Bar, a title insurance company licensed by the State Corporation Commission, a title agency or title agent licensed by the State Corporation Commission, or a real estate broker licensed by the Virginia Real Estate Board to serve as a “settlement agent” and provide “escrow, closing or settlement services” to close a transaction involving any real estate located within the Commonwealth, subject to the requirements of Chapters 27.2 and 27.3 of Title 55 of the Code of Virginia. No other person may lawfully act or hold himself or herself out as a settlement agent. *See* Va. Code §§ 55-525.19(2)-(3), 55-525.18(B)(1).
  - 1. In connection with a real estate closing, the following tasks may be performed by a non-lawyer settlement agent or a non-lawyer employed by such settlement agent, and do not involve the practice of law:
    - a) ordering a survey, termite or other inspection(s), casualty insurance or certificates of insurance, lien payoff figures, loan checks or title insurance;
    - b) creating or preparing a title abstract;
    - c) determining the status of utility services and assisting in their transfer;

- d) making mathematical calculations involving the proration of taxes, insurance, rent, interest and the like in accordance with the contract or local custom;
  - e) completing form documents selected by and in accordance with the instructions of the parties to the transaction, but not drafting or selecting such documents;
  - f) obtaining lien waivers from mechanics or materialmen in a form acceptable to the parties in interest, but not drafting such waivers or giving advice as to the legal sufficiency thereof;
  - g) preparing settlement statements;
  - h) receiving and disbursing settlement funds;
  - i) drafting receipts and certificates of satisfaction, but not deeds, deeds of trust, deed of trust notes, or deeds of release;
  - j) completing other forms such as the Owner's/Seller's Affidavit, Notice of Availability, and tax reporting forms.
2. A non-lawyer settlement agent cannot provide any legal representation or give legal advice to any party to a transaction. Examples of legal advice which, if provided by a Settlement Agent, would be the unauthorized practice of law, include:
- a) explaining the legal obligations of the parties under the real estate sales contract;
  - b) explaining the meaning of legal terms used in taking title to property or advising the parties to the transaction which way to take title to the property;
  - c) explaining the legal obligations of the parties under the loan documents;
  - d) explaining the legal effect of an item reported as an exception in a title commitment;
  - e) explaining the legal effect of a document in the chain of title;
  - f) drafting legal instruments for a party to the transaction, other than completing form documents selected by and in accordance with the instructions of the parties to the transaction;
  - g) selecting a legal instrument for a party if to do so requires the exercise of legal judgment;
  - h) instructing or assisting a party in the completion of a legal document if to do so requires the exercise of legal judgment;

- i) providing legal opinions in response to the following types of questions:
    - (1) "What should I do?"
    - (2) "What are my rights or obligations under this document?"
    - (3) "What are the lender's rights or obligations under this document?"
- C. It is now well settled that a lay corporation may not ordinarily employ an attorney to provide legal services to customers or clients of the corporation. *See, e.g., Richmond Ass'n of Credit Men v. Bar Ass'n of Richmond*, 167 Va. 327, 189 S.E. 153 (1937). The underlying basis of this rule was explained by the Virginia Supreme Court in *Richmond Association of Credit Men* as follows:

[The practice of law] is not a lawful business except for members of the Bar who have complied with all the conditions required by statute and the rules of the Courts. As these conditions cannot be performed by a corporation, it follows that the practice of law is not a lawful business for a corporation to engage in.

The relation of attorney and client is that of master and servant in a limited and dignified sense, and it involves the highest trust and confidence. It cannot be delegated without consent, and it cannot exist between an attorney employed by a corporation to practice law for it, and a client of the corporation, for he would be subject to the directions of the corporation, and not to the directions of the client.

Independent of statute, it is contrary to public policy for a corporation to practice law, directly or indirectly.

UPL Opinion 60 (1985).

- D. The following are examples of activity that fall within the scope of paragraph 3(R) ("Providing other legal services as authorized by state, federal or other law"):
1. Serving as a legal representative or lay advocate for a party in a state or federal administrative proceeding as permitted by, and subject to, the rules of that agency. (For example, the Social Security Administration and the Virginia Employment Commission.)
  2. Serving as lay advocate for parents in IDEA cases and parents litigating their own child's IDEA claim.

3. A non-lawyer entity, such as an insurance company, that employs staff lawyers or captive law firms to provide legal services to its insureds so long as the lawyer employed is able to comply with the Virginia Rules of Professional Conduct. *See* UPL Op. 60.
  4. Any non-profit entity that employs a licensed staff lawyer to assist its consumers and provide pro bono or nominal fee legal services. Provided, however:
    - a) the staff lawyer shall exercise independent professional judgement on behalf of each client;
    - b) the board or management, if composed of non-lawyers, shall not direct or control the lawyer's independent professional judgement on behalf of any client;
    - c) the initial screening or interview of prospective clients must be done by a lawyer or a non-lawyer under the direct supervisory authority of a staff lawyer; and
    - d) access to confidential information of clients served by the organization shall be restricted to a lawyer or non-lawyers under their direct supervisory authority.
  5. Non-lawyers making any disclosures or advisements required by state or federal law, e.g., police officer explaining *Miranda* rights to an arrestee.
  6. When Congress grants authority to an agency to prescribe regulations governing the recognition and conduct of a person representing the interests of another before such agency, the state is preempted from enforcing its own rules of practice while such person is acting reasonably within the scope of the practice authorized by the agency. *Sperry v. Florida ex rel. Florida Bar* 373 U.S. 379 (1963) (Florida may not prohibit non-lawyer patent agent from performing within Florida tasks which are incident to the preparation and prosecution of patent applications before the Patent Office).
- E. Paragraph 4(B) (“Sale of legal forms”) permits the sale of legal forms provided no legal advice is provided to complete the forms.
- F. The following are examples of activity which fall within the scope of paragraph 4(G) (“Teaching law or providing legal information”):

1. A law professor instructing a class in the application of law to an actual situation is not engaged in the practice of law because he or she is not undertaking to provide advice or services for one or more clients as to their legal interests.
2. Non-lawyer employees of an entity or organization providing legal information or education about law, regulations, legal procedures or compliance issues for the purpose of training other employees or members of the entity or organization. For example, a human resource manager or FOIA officer is not engaged in the practice of law when advising the employer as to what the employer must do to comply with state or federal laws.
3. Non-lawyer providing information about the application of the law to a product or service that the non-lawyer is otherwise authorized to provide to the public. For example:
  - a) Lender explaining right of rescission to borrower in a refinancing of real estate.
  - b) Preparation of privacy notices for customers by credit card companies.
  - c) Preparation of authorization to share patient's medical information under HIPAA.
  - d) Tax accountants, real estate agents, title company attorneys, securities advisors, pension consultants, and the like, who do not indicate they are providing legal advice or services based on competence and standing in the law are not engaged in the practice of law, because their relationship with the customer is not based on the reasonable expectation that learned and authorized professional legal advice is being given.
4. Non-lawyer employees and supervised volunteers of nonprofit entities, whose primary purpose is assisting domestic violence and sexual assault victims, may explain to victims how to seek legal recourse, accompany victims throughout all stages of court proceedings, and respond to inquiries by the court. However, they shall not examine witnesses, make arguments to the court, or otherwise act in a representative capacity for the victims.

5. A lay trustee on a deed of trust may prepare the legal instruments necessary to sell or encumber real estate to which he holds the legal title, e.g., contracts, deeds, deeds of trust, etc.
- G. *Pro se* representation. Every jurisdiction recognizes the right of an individual to proceed *pro se* by providing his or her own representation in any matter, whether or not the person is a lawyer. Because the appearance is personal only, it does not involve an issue of unauthorized practice. The right extends to self-preparation of legal documents and other kinds of out-of-court legal work as well as to in-court representation.

## 6. ANNOTATIONS:

- A. **Preparation of legal instruments incident to the ordinary course of conducting a licensed business is not the unauthorized practice of law:** A non-lawyer may prepare legal instruments incident to the ordinary course of conducting a licensed business. For example, a real estate broker or agent may prepare and have the buyer and seller execute a contract for the sale of real estate which the agent or broker participated. *Commonwealth v. Jones & Robins, Inc.*, 186 Va. 30, 41 S.E.2d 720 (1947). It is not the unauthorized practice of law for a pension plan administrator to offer the legal services of preparing, amending and submitting pension plans to the IRS where such activities arise in association with the administrator's primary business of administering individually-tailored plans. UPL Op. 77 (1985).
- B. **Preparation/completion of Advance Medical Directive by non-lawyer:** Ministerial assistance to another in completing and executing an advanced medical directive in the form prescribed by Va. Code § 54.1-2984 is not unauthorized practice of law. Va. Code § 54.1-2988.1. Ministerial assistance does not include expressing an opinion about the legal effect of the alternative choices or offering legal advice. *Id.*
- C. **A non-lawyer may serve as an arbitrator or mediator since neither activity is the practice of law.** The Supreme Court of Virginia allows certification of non-lawyers as well as lawyers as mediators. *See Guidelines for the Training & Certification of Court-Referred Mediators*, Judicial Council of Virginia, November 1, 2017. Whether certified or not, a lawyer or non-lawyer serving as a mediator or arbitrator shall not give the parties legal advice. *See* Va. Code § 8.01-581.26(3) (requiring mediator to inform parties

at the outset of the mediation process that the mediator does not give legal advice). *See also* Pt. 6, § II, Rule 2.10 (Third Party Neutral), cmt. [3] and Rule 2.11 (Mediator) cmt. [7] (prohibiting a lawyer serving as a third party neutral or mediator from offering any of the parties legal advice as distinct from legal information or neutral evaluation); and *Standards of Ethics and Professional Responsibility for Certified Mediators*, Standard D.2(1), adopted by Judicial Council of Virginia effective July 1, 2011.

- D. **Non-lawyer advocates in Social Security matters:** The Social Security Act permits a non-lawyer to represent a third person in pursuing a Social Security claim. 42 U.S.C. § 406(a)(1) ("The Commissioner of Social Security may prescribe rules and regulations governing the recognition of agents or other persons, other than attorneys as hereinafter provided, representing claimants before the Commissioner of Social Security, and may require of such agents or other persons, before being recognized as representatives of claimants that they shall show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases.")
- E. **Non-lawyer employees of a business or company:** A non-lawyer employee of a corporation may permissibly draft legal documents, negotiate complex transactions, and perform other tasks for the employing organization, even if the task is typically performed by lawyers for the organization. Restatement (Third) of Law Governing Lawyers § 4 cmt. *e* (2000). By statute, lay employees may prepare certain pleadings and appear on behalf of their employer in a limited role in general district court. Va. Code § 16.1-88.03. Small businesses may appear *pro se* in general district court through one of its owners or officers if the claim does not exceed \$2500. Va. Code § 16.1-81.1. A non-lawyer officer or designated employee may represent his or her employer's interests in dispute resolution processes such as mediation or arbitration. UPL Op. 206 (2004). It is not the unauthorized practice of law for bank personnel to prepare deeds of trust with the bank as sole beneficiary. UPL Op. 49 (1980); UPL Op. 109 (1988). In small claims court, an owner, a general partner, an officer or an employee of a corporate or partnership plaintiff or defendant may represent that corporation or partnership and shall have all the

rights and privileges given an individual to represent, plead and try a case without an attorney. Va. Code § 16.1-122.4.

- F. **Serving as lay advocate for parents and *pro se* representation in IDEA cases:** Parents may represent their child in due process hearings and in federal court under the IDEA. *Winkelman v. Parma City School Dist.*, 550 U.S. 516 (2007) (IDEA allows parents to litigate their child’s claim *pro se*); UPL Op. 187 (1996) (34 C.F.R. § 300.58 permits the aggrieved parents in IDEA hearings to be represented by counsel or a lay advocate, provided the lay advocate is a person having special knowledge or training concerning the problems of children with disabilities. Under the Virginia IDEA statutes, specifically § 22.1-214(C), a party may be “represented by legal counsel or other representative before such hearing officer without being in violation of the provisions of § 54.1-3904 [prohibition against unauthorized practice of law].” Virginia Department of Education regulations permit a party to be “accompanied and advised” by an advocate “without [a] violation of the provisions of § 54.1-3904 of the Code of Virginia as amended.”)
- G. **Trustee in a foreclosure sale — statutory duties:** Virginia law does not require that a lawyer serve as the trustee on a deed of trust and a non-lawyer is authorized to serve in this capacity. Virginia Code Section 55-58.1 requires only that a person named as trustee be a Virginia resident. Incident to the sale of property under a deed of trust, Va. Code § 55-59.4 requires the trustee to perform tasks and make judgments which undoubtedly require the exercise of legal knowledge, judgment and skill. Since the trustee is a party to the deed, the trustee is authorized to prepare this legal instrument. The trustee must also be aware that unpaid real estate tax, water and sewer liens on the subject property have priority over the deed of trust and the trustee is to pay these charges out of the foreclosure sale proceeds. *See* Va. Code § 55-59.4 (“Powers and duties of trustee in event of sale under or satisfaction of deed of trust”); *see* UPL Opinion 193 (1999) and UPL Op. 198 (2006) (activities of a business composed of non-lawyers and offering residential foreclosure services to mortgage lenders acting as trustees).
- H. **Representation of others before state and federal administrative agencies:**  
Representing another before an administrative agency normally constitutes the practice of law. Regulation of the practice of law before administrative agencies is the responsibility

of Congress or the Virginia General Assembly. Also, an agency's own rules or regulations may authorize a non-lawyer or foreign lawyer to represent a party before that agency. *See also*, UPL Op. 113 (1988) (on behalf of their employer a non-lawyer may participate in informal fact-finding hearing before state agencies as permitted by Virginia Administrative Procedures Act); UPL Op. 74 (1984) (Va. Code § 60.1-124.1 authorizes the appearance of a non-lawyer on behalf of another before the Virginia Employment Commission).

**From:** [Brandon Burr](#)  
**To:** [publiccomment](#); [Dmitry Shvets](#); [Rick Friedman](#); [info@unitefam.com](#)  
**Subject:** EXTERNAL SENDER Support 6, § I of the Rules of Court, Unauthorized Practice Rules.  
**Date:** Sunday, January 26, 2025 8:46:37 AM

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Clerk of the Supreme Court of Virginia  
100 North 9th Street  
Richmond, VA 23219

Subject: Support for Proposed Amendments to Part 6, § I of the Rules of Court, Unauthorized Practice Rules

Dear Clerk of the Supreme Court of Virginia,

Cameron M. Rountree, executive director of the Virginia State Bar,

I am writing to express my strong support for the proposed amendments to Part 6, § I of the Rules of Court concerning the Unauthorized Practice of Law (UPL), specifically the changes to Paragraph 3(O). The proposed amendments, which would allow court clerks, librarians, courthouse navigators, and self-help center staff to assist litigants in identifying, selecting, and completing forms prescribed by the Supreme Court of Virginia or other tribunals, are a necessary and long-overdue step toward improving access to justice for self-represented individuals.

### **Supporting Rationale and Recommendations**

As recognized by the Virginia Access to Justice Commission, self-represented litigants face significant challenges in navigating the legal system, particularly in selecting and completing court forms. The current UPL rules have inadvertently created barriers to access to justice by preventing clerks and trained support personnel from offering basic assistance. This amendment would clarify their ability to provide guidance without fear of violating professional boundaries, ultimately improving the efficiency and fairness of court proceedings.

Many individuals seeking justice are met with complexities that can be overwhelming without adequate guidance. By allowing trained court personnel to assist, the general public is better equipped to navigate the legal system and advocate for their rights. This change will empower individuals to address their legal matters more confidently and effectively.

Having navigated the family law legal system for over seven years, I have yet to find a Virginia attorney who is truly dedicated to following through with cases and possesses the legal acumen necessary to support children and families during these challenging times. The proposed rule change would significantly bridge this gap by offering timely and informed assistance to those in need.

The Current Practice model of attorneys in Virginia, Promises the world and delivers nothing but an unchecked unaccountable billing rate.

In support of this amendment, it is important to consider the following:

**1. Case Law Supporting Access to Justice:**

- In *Turner v. Rogers*, 564 U.S. 431 (2011), the U.S. Supreme Court emphasized the importance of procedural safeguards for self-represented litigants in family law matters, noting that without assistance, such individuals are at a significant disadvantage.
- The Virginia Supreme Court, in *Anderson v. Anderson*, 640 S.E.2d 212 (Va. 2006), acknowledged the complexity of family law and the challenges faced by pro se litigants, reinforcing the need for accessible legal guidance.

**2. Comparative Analysis with Other States:**

- States such as California and New York have implemented robust self-help programs that empower court staff to provide form-filling assistance without overstepping ethical boundaries. For example, California's Family Law Facilitator Program provides significant assistance to self-represented litigants, reducing case backlog and improving court efficiency.
- Similarly, in Florida, the Family Law Self-Help Centers operate under guidelines that permit non-lawyers to assist in form selection and completion, demonstrating successful models Virginia could emulate.

**3. Expanding the Scope for Family Law Matters:**

- Family law cases often involve highly emotional and complex issues, such as child custody, support, and domestic violence protection orders. Many individuals in these situations lack the financial resources to hire an attorney and would greatly benefit from expanded assistance in completing forms accurately.
- I strongly recommend that Virginia take an even more proactive stance by establishing dedicated Family Law Self-Help Centers within courthouses to provide targeted assistance and ensure fair treatment of all parties involved.

**4. Addressing Professional Resistance:**

- Concerns from the legal community about potential overreach can be mitigated through comprehensive training programs for clerks and self-help staff, ensuring they provide assistance within clearly defined limits while maintaining the integrity of the legal profession.

In conclusion, I fully support the proposed amendments and encourage the Virginia State Bar and the Supreme Court of Virginia to adopt and expand these changes to further address the specific needs of family law litigants. Allowing trained personnel to provide assistance fosters a more inclusive and just legal system, ensuring that all individuals, regardless of background or resources, have the opportunity to navigate legal challenges successfully.

Thank you for considering my comments in support of this important initiative.

Sincerely,

Dr. Brandon Burr

[Info@unitefam.com](mailto:Info@unitefam.com)

**From:** [Charvalla West](#)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER Proposed Amendment to Rule Part 6, I of the Rules of Court, Unauthorized Practice Rules  
**Date:** Wednesday, January 29, 2025 12:47:08 PM  
**Attachments:** [image005.png](#)  
[image006.png](#)

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Good afternoon,

United Way of the Virginia Peninsula, on behalf of our government, nonprofit, and corporate partners who serve The County of New Kent, James City County, The City of Williamsburg, The County of York, The City of Poquoson, The County of Gloucester, The County of Mathews, The City of Newport News, and the City of Hampton, offer our support of the Amendment to allow services that help constituents better navigate judicial proceedings.

Our position is informed by our efforts over the last 4 years to reduce evictions in our community. A significant part of our community's approach has been to prioritize a collaborative approach, recognizing that in many cases both parties can benefit from aid and assistance. Our Court Navigation services were developed with the guidance and direction of our partners in the courts—judges, clerks, and Sheriffs, as well as landlords, attorneys, tenants, and our partners at our local Legal Aid. Together, we have implemented and grown our Court Navigation services and have seen the impact in our community.

It is with great appreciation and resounding support that we recommend the amendment as proposed. Thank you.

**Charvalla West**

*Chief Executive Officer*

United Way of the Virginia Peninsula  
 101 York Crossing Rd, Yorktown, VA 23692

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**From:** [RAGolden](#)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER The Virginia State Bar seeks public comment on proposed amendments to Part 6, § I of the Rules of Court, Unauthorized Practice Rules.  
**Date:** Saturday, February 1, 2025 10:17:32 AM

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The current rule, precluding clerks from providing advice on the use of forms, helps to protect the clerks from legal liability when something goes wrong. The proposed amendment increases the possibility that clerks will become targets of litigation. Do court clerk have adequate protective legislation? If not, the amendment should not be adopted.

Richard A. Golden  
9437 Wooded Glen Avenue  
Burke, VA 22015

**From:** [Caitlyn Joseph](#)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER Public Comment for proposed amendments to Part 6, § I of the Rules of Court, Unauthorized Practice Rules  
**Date:** Monday, February 3, 2025 10:42:08 AM  
**Attachments:** [Outlook-A blue tex.png](#)  
[Outlook-A blue sig.png](#)

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Good morning,

My name is Caitlyn Joseph and I serve as the Eviction Court Navigator with United Way of the Virginia Peninsula. I am writing to highlight the critical need for court navigation services within our local courthouses.

At United Way of the Virginia Peninsula (UWVP) I serve as the Eviction Court Navigator with our Court Navigation Program. Our program operates under the Virginia Eviction Reduction Pilot (VERP) grant overseen by the Department of Housing and Community Development's (DHCD). This program provides essential support for tenants and landlords simultaneously navigating the often complex and overwhelming eviction and court processes, ensuring they have access to resources for legal information such as locating forms, finding an attorney, and accessing legal and procedural information.

Our development of the Court Navigation program has been driven by immense efforts to build strong relationships and establish credibility within the court system and our community. Through collaborative efforts with our local Legal Aid organization, Clerk's Offices, Judges, Sheriff's Offices, properties and landlords, nonprofits and community partners, we have demonstrated the success and positive impact of court navigation services on the individuals we serve. These services not only help all parties involved in the eviction process understand their legal rights but also bridge gaps that can otherwise result in confusion, delays, or miscommunications that could negatively impact their cases, and therefore their livelihood.

In assessing the impact of court navigation services on local court systems, it is proven that court navigation services also benefit the court itself by providing services and resources that alleviate the burden of time and capacity of the Clerk's Office and other court staff. Court Navigation services provide a reliable, consistent, and impartial service to all self-litigants and community members engaging with the broader judicial system.

Court navigation services are necessary to improve court accessibility, reduce barriers to justice, and support the self-litigants, which are the majority of the individuals involved in civil matters, specifically regarding housing and eviction. We ask that decision-makers continue to recognize and support the value of these services to ensure all courts can empower community members, through accessible and equitable resource and knowledge share, to confidently and

effectively navigate the legal process.

Thank you for your time in reviewing this comment.

Respectfully,  
Caitlyn Joseph

**Caitlyn Joseph**  
*Eviction Court Navigator*  
United Way of the Virginia Peninsula  
101 York Crossing Rd, Yorktown, VA 23692

Office: (757) 229-2222

Email: [cjoseph@uwvp.org](mailto:cjoseph@uwvp.org)



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**From:** [Paul Cella](#)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER Rule Part 6 § I Public Comment  
**Date:** Tuesday, March 4, 2025 8:42:12 PM

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Dear Sirs:

In my opinion, the proposed amendment is unwise. As one of the Circuit Court Clerks in my Circuit put it, “if we assist someone in completing a form or document and then the Court does not uphold them, they would blame the Clerk’s Office staff for ‘doing it wrong’ or giving bad advice.”

The flip side of this is that if the Clerk’s Office assists a pro se party in completing a form, and the pro se party wins, the opposing party might complain that the assistance that the court gave the pro se party was an unfair advantage.

While the proposed amendment may be based upon good intentions, it is not the place of the court system to give advice to pro se parties. This is not fair to anybody involved.

Thank you.

Sincerely,

Paul W. Cella  
Judge  
Eleventh Judicial Circuit  
3880-C Old Buckingham Road  
Powhatan, Virginia 23139

Sent from my iPad

**From:** [publiccomment](#)  
**To:** [skgallagher@Venable.com](mailto:skgallagher@Venable.com)  
**Cc:** [Rountree, Cameron](#); [Van Cuyk, Janet](#); [Hedrick, Emily](#); [publiccomment](#); [Hall, Kristi](#)  
**Subject:** Comments re Part 6, § I of the Rules of Court, Unauthorized Practice Rules  
**Date:** Wednesday, March 5, 2025 8:33:25 AM

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Good morning, Mr. Gallagher,

I wish to inform you that I have received your email, which was forwarded to me by Michael Robinson.

This email serves as an acknowledgment of the receipt of your comments regarding the Ethics Committee's proposed amendments to Part 6, § I of the Rules of Court, Unauthorized Practice Rules. Your feedback is highly valued and will be carefully considered during the committee's next meeting on March 20, 2025.

Best,

*Kristi*

Kristi R. Hall, Executive Assistant to Operations  
Virginia State Bar  
1111 East Main Street, Ste. 700 | Richmond, Virginia 23219-0026  
804-775-0557  
[www.vsb.org](http://www.vsb.org) | [khall@vsb.org](mailto:khall@vsb.org)

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**From:** Gallagher, Stephen K. <[SKGallagher@Venable.com](mailto:SKGallagher@Venable.com)>  
**Sent:** Friday, January 31, 2025 12:20 PM  
**To:** Robinson, Michael W. <[MWRobinson@Venable.com](mailto:MWRobinson@Venable.com)>  
**Subject:** FW: [GRAYMAIL]February 2025 | VSB News: Volunteers sought; Chief Justice Goodwyn to retire; CLEs and Event; Annual Meeting Update!

I think I understand the concept and desire to do more for underserved individuals, but I don't think this works as written. There is no defined term for a "self-help center" and even with the attempt to define "navigator," I don't know what either one is. For example, are these meant to be limited to non-profit/volunteer organizations, or can I start a for-profit "self help center" online as a nonlawyer?

I also think that selecting forms and telling people how to fill them out is rendering legal advice. In addition, I wonder how librarians and clerks feel about this additional service they might be asked to provide, cost for training, etc.

Steve Gallagher  
703.760.1647

**From:** [Alicia Mitchell-Mercer](#)  
**To:** [publiccomment](#)  
**Cc:** [Nikole Nelson](#); [Rachel Royal](#)  
**Subject:** EXTERNAL SENDER Public Comment on Proposed Amendments to Virginia's Unauthorized Practice Rules (Draft Rule 3(O))  
**Date:** Tuesday, March 4, 2025 7:56:16 PM  
**Attachments:** [Frontline Justice's Public Comment on VA's UPL Rules \(Draft Rule 3\(O\)\).pdf](#)

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You don't often get email from [alicia@frontlinejustice.org](mailto:alicia@frontlinejustice.org). [Learn why this is important](#)

Dear Mr. Rountree,

On behalf of Frontline Justice, we submit our public comment on the proposed amendments to Virginia's Unauthorized Practice of Law (UPL) Rule, specifically Draft Rule 3(O). Please find our full comment attached as a PDF for your review.

We appreciate the Virginia State Bar's efforts to improve access to justice and welcome the opportunity to contribute to this important conversation. If there are any questions or if further discussion would be helpful, please do not hesitate to reach out.

Thank you for your time and consideration.

Best regards,

Alicia Mitchell-Mercer



Dr. Alicia Mitchell-Mercer, PMP  
Chief Operations Officer

**FRONTLINE JUSTICE**

*Frontline Justice is an initiative of the Office of American Possibilities Fund, a sponsored project of Rockefeller Philanthropy Advisors, Inc.*

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March 4, 2025

Cameron M. Rountree

Executive Director

**Virginia State Bar**

1111 East Main Street, Suite 700

Richmond, Virginia 23219-0060

Email: [publiccomment@vsb.org](mailto:publiccomment@vsb.org)**Re: Public Comment on Proposed Amendments to Virginia's Unauthorized Practice Rules (Draft Rule 3(O))**

Dear Members of the Virginia State Bar,

We write on behalf of Frontline Justice to provide public comment on the proposed amendments to Virginia's Unauthorized Practice of Law (UPL) Rule, specifically Draft Rule 3(O). Frontline Justice is a national leader in community-driven legal empowerment dedicated to expanding access to justice through trained community justice workers.

Our mission is to bridge the civil justice gap by equipping trusted community members with the tools, training, and support needed to assist people facing civil legal problems that threaten family stability, economic security, and personal safety. We focus on empowering community-based legal helpers to navigate issues such as evictions, domestic violence protection, access to public benefits, and consumer rights, ensuring that individuals can exercise their legal rights and secure fair and just outcomes. Trusted relationships and culturally responsive approaches are central to our work, allowing us to expand access to justice in ways that are scalable, sustainable, and tailored to the unique needs of diverse communities.

The Virginia State Bar has taken an important step in acknowledging the need for reform in the delivery of legal assistance. By proposing amendments to the Unauthorized Practice of Law (UPL) Rule, the Bar recognizes that access to justice must extend

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Cameron M. Rountree  
Executive Director  
Virginia State Bar  
March 4, 2025  
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beyond traditional models to better serve the needs of Virginians. The inclusion of court clerks, librarians, court-approved navigators, and self-help center staff as authorized providers of limited legal assistance reflects a growing recognition that innovative solutions are essential to dismantling the barriers that prevent millions from securing fair and just resolutions to the challenges they face in their daily lives. This openness to exploring new approaches is commendable. It reflects a broader national movement to reimagine legal service delivery, ensuring that justice is not just a privilege for those who can afford it but a right accessible to every American.

While we appreciate the ongoing efforts to improve access to legal assistance, we are concerned that the proposal remains too limited in scope. Draft Rule 3(O) narrowly contemplates court clerks, librarians, court-approved navigators, and self-help center staff as the only stakeholders permitted to provide limited legal assistance. This framework fails to acknowledge the broader ecosystem of trusted community members who already assist individuals facing civil legal challenges. By restricting participation to these select groups and excluding meaningful reforms that would empower community justice workers—who are embedded in and trusted by their communities—the rule falls short of addressing the urgent and growing access to justice crisis in Virginia.

### **The Access to Justice Crisis in Virginia**

Virginia, like the rest of the nation, is experiencing a civil justice crisis of staggering proportions. Every year, millions of Americans—including most Virginians—confront serious legal problems without the ability to secure legal assistance. Nationally, an estimated 120 million legal problems go unresolved annually, with 92% of low-income households receiving little to no legal help when facing issues such as eviction, domestic violence, and public benefits denial.<sup>1</sup> In Virginia alone, 40% of households live below the ALICE (Asset Limited, Income Constrained, Employed) threshold, meaning they earn too much to qualify for legal aid but not enough to afford an attorney.<sup>2</sup> In the

---

<sup>1</sup> IAALS and Hague Institute for Innovation of Law (HiIL), *Justice Needs and Satisfaction in the United States*, University of Denver, 2021,

<https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf>.

<sup>2</sup> *ALICE in the Crosscurrents: An Update on Financial Hardship in Virginia*, United Way, 2024, <https://www.unitedforalice.org/virginia>.

Cameron M. Rountree  
Executive Director  
Virginia State Bar  
March 4, 2025  
Page 3

lower-income populations, legal aid organizations turn away one person for every individual they serve due to resource constraints.<sup>3</sup>

Despite this widening justice gap, the number of lawyers in the United States has grown by 400% over the past five decades, yet access to legal assistance has not improved proportionally. Instead, it has only worsened. A lawyer-focused model alone cannot solve this crisis. Traditional, lawyer-centered solutions—such as increasing funding for legal aid or expanding pro bono services—have proven inadequate to close the justice gap. A more scalable, community-based model is necessary.

### **Community Justice Workers: A Proven Solution**

Frontline Justice champions an innovative workforce of trained community justice workers who provide accessible, right-sized legal help to individuals who would otherwise go unassisted. Community justice workers are frontline helpers—such as shelter volunteers, faith leaders, social workers, community health aides (promotoras), and other trusted individuals—who are cross-trained to help their communities navigate essential legal issues for which lawyers aren't providing services.

This model has already seen successful implementation in multiple states, demonstrating that properly trained advocates who are not lawyers can provide meaningful legal assistance without compromising consumer protection.

For example:

- **Alaska:** Trained community justice workers secured \$1.43 million in food assistance for residents, achieving a 100% success rate in assisting clients with SNAP benefits.<sup>4,5</sup>

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<sup>3</sup> Legal Services Corporation, *The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans*, 2022, <https://justicegap.lsc.gov/resource/2022-justice-gap-report/>.

<sup>4</sup> J. Anderson, S. Carver, and R. Onders, "Community Justice Workers: Part of the Solution to Alaska's Legal Deserts," *Alaska Law Review* 41, no. 1 (2024): 1–10, <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1661&context=alr>.

<sup>5</sup> J. Anderson and S. Carver, "Community Justice Workers—Alaska's Response to the Access to Justice Crisis," *MIE Journal*, Spring 2024, *Special Feature: The Future is Now: A Path Forward for Civil Legal Aid*, 1–10.

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Executive Director  
Virginia State Bar  
March 4, 2025  
Page 4

- **Utah:** Community justice workers assisting domestic violence survivors doubled the success rate of protective order applications.<sup>6</sup>
- **Arizona:** A state-sponsored justice worker program provided critical eviction prevention services, demonstrating how trusted community members can effectively intervene in high-stakes legal issues.<sup>7</sup>

Just as nurse practitioners, paramedics, and community health workers have transformed healthcare by expanding access to essential services, community justice workers can do the same for legal assistance.

### **A Call For Bold Reform**

The Virginia Bar's current proposal acknowledges some exceptions for alternative legal service providers; however, we believe it does not go far enough in recognizing the potential role of community justice workers in providing timely, effective life-saving legal assistance. We urge the Virginia State Bar to expand its current proposal to recognize and regulate community justice workers as part of a comprehensive justice strategy. Specifically, we recommend that Virginia:

1. Establish a pathway for community justice workers to provide limited-scope legal assistance in a wide range of areas, such as housing, benefits, family law, and domestic violence.
2. Leverage existing community infrastructure (e.g., libraries, social service agencies, and faith-based organizations) to train and embed justice workers where they are most needed.

To support these efforts, Frontline Justice stands ready to provide information and guidance on developing a well-regulated Community Justice Worker policy that can be effectively implemented in Virginia. Our expertise in mobilizing and equipping

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<sup>6</sup> Matthew Burnett and Rebecca L. Sandefur, "A People-Centered Approach to Designing and Evaluating Community Justice Worker Programs in the United States," *Fordham Urban Law Journal* 51, no. 5 (2024): 1509, <https://ir.lawnet.fordham.edu/ulj/vol51/iss5/6/>.

<sup>7</sup> Arizona Judicial Branch, "Legal Advocates," accessed February 14, 2025, <https://www.azcourts.gov/cld/Legal-Advocates>.

Cameron M. Rountree  
Executive Director  
Virginia State Bar  
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community-based legal helpers can serve as a valuable resource in shaping a framework that balances consumer protection with expanded access to justice.

Additionally, we encourage the Virginia State Bar to engage with the National Community Justice Worker Task Force, recently launched by Frontline Justice. This initiative brings together policymakers, legal experts, and community leaders to develop a scalable, credentialed model for community justice workers that is both effective and legally sound. More information about the Task Force and its work can be found at [www.frontlinejustice.org/taskforce](http://www.frontlinejustice.org/taskforce).

We appreciate the opportunity to provide this comment and welcome further dialogue on how Virginia can lead the nation in expanding access to justice through community justice workers. We look forward to working collaboratively toward a more inclusive and effective justice system.

Sincerely,

Nikole Nelson  
Chief Executive Officer  
Frontline Justice

Dr. Alicia Mitchell-Mercer  
Chief Operating Officer  
Frontline Justice

**From:** [attyabeg@aol.com](mailto:attyabeg@aol.com)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER Rule Part 6 § I Public Comment  
**Date:** Wednesday, March 5, 2025 11:42:03 PM

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While many of us support efforts to shed light on the labyrinth of the legal system, the proposal would open up, if enacted, another can of worms. Who would pay if the non-lawyer official gave the wrong advice or if an irate member of the public faulted the official for his/her losses, etc. Who would pay up if the official in fact did provide erroneous information. Well meaning intentions can oftentimes results in unexpected consequences. I am opposed to the proposed amendment.

August Bequai, Esq.  
1750 Tysons Blvd., Suite 1500  
McLean, VA 22102  
(T) (703) 893-4806  
(c) (571) 277-5996  
[attyabeg@aol.com](mailto:attyabeg@aol.com)

**From:** [markvincentcrowley](mailto:markvincentcrowley)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER yes to the amendment to Rule 6 regarding the UPL  
**Date:** Friday, March 7, 2025 2:05:04 AM

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[You don't often get email from [markvincentcrowley@earthlink.net](mailto:markvincentcrowley@earthlink.net). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

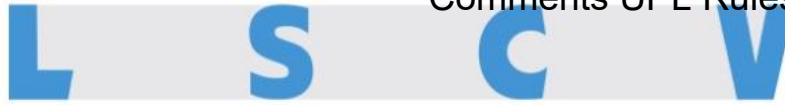
To Whom it may concern:

I think the proposed change to Rule 6 regarding the UPL is a very positive change. I believe it will facilitate more access to the Courts.

Sincerely,

Mark Vincent Crowley

vsb# 17072



## Legal Services Corporation of Virginia

March 7, 2025

Cameron M. Rountree, Executive Director  
Virginia State Bar  
1111 East Main Street, Suite 700  
Richmond, VA 23219-0026

BY E-MAIL ONLY TO: [publiccomment@vsb.org](mailto:publiccomment@vsb.org)

**Re: Proposed Amendments to Part 6, §I of the Rules of the Supreme Court of Virginia  
on the Unauthorized Practice of Law**

Dear Cameron:

I am submitting these comments in support of the proposed amendments to Part 6, §I of the Rules of the Supreme Court of Virginia regarding the unauthorized practice of law. I write on behalf of all of Virginia's licensed legal aid societies, through our statewide association, the Association of Virginia Legal Aid Programs, or "AVLAP." AVLAP consists of the executive directors of Virginia's nine regional legal aid programs<sup>1</sup>, together with its one statewide support center, the Virginia Poverty Law Center, and the Legal Services Corporation of Virginia. These eleven leaders of Virginia's largest network of free civil legal assistance for low-income Virginians unanimously support the proposed UPL rule modification allowing court clerks, librarians, self-help center personnel, and court-approved navigators to provide information about court forms to self-represented litigants.

The vast majority of civil litigants in Virginia courts are unrepresented. Many have great difficulty understanding the often-mysterious forms and terms used in them, such as "fieri facias" and "detinue." According to the National Center for State Courts' landmark study, "Virginia Self-Represented Litigant Study" released in 2017, both sides are represented in Virginia's general district courts in only 1% of the cases, while neither side was represented in 45% of the cases.

These proposed amendments will strengthen and give clarity to innovative efforts working to support unrepresented litigants. In the last year or so, the Fairfax Self-Help Center opened its doors, using non-lawyer staff to provide helpful legal information (not legal advice) to unrepresented litigants seeking guidance. Other eviction-related programs across the state operate on a similar model. As these various self-help programs are established and expanded across the Commonwealth, it is crucial that they have clear, helpful guidance delineating what they can do without running afoul of the UPL rules. Establishing rules that explicitly apply to these self-help staff and court navigators is essential; applying the same rules to court clerk staff makes common sense.

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<sup>1</sup> Blue Ridge Legal Services, Central Virginia Legal Aid Society, Legal Aid Justice Center, Legal Aid Society of Eastern Virginia, Legal Aid Society of Roanoke Valley, Legal Aid Works, Legal Services of Northern Virginia, Southwest Virginia Legal Aid Society and Virginia Legal Aid Society.

We are particularly pleased to see the clarifying language regarding the assistance that court clerks and self-help staff provide to pro se litigants “in selecting and/or completing for filing, forms prescribed by the Supreme Court of Virginia or other tribunal.” This has been a perennial source of frustration and confusion for both clerks and members of the general public seeking this assistance. We have frequently heard from clerks who express their desire to provide such assistance to pro se litigants but report that they fear they might be violating the UPL rules if they do so. This language would clarify that this limited assistance of “selecting and/or completing for filing” the standard court forms issued by the Supreme Court of Virginia does not constitute the prohibited unauthorized practice of law. By doing so, it will eliminate an unfortunate barrier that has frustrated countless court clerks and their pro se customers alike.

This clarification has been a longstanding recommendation by those concerned with access to justice issues. For instance, the Supreme Court of Virginia’s Pro Se Litigation Planning Committee’s landmark report in 2002, *Self-Represented Litigants in the Virginia Court System – Enhancing Access to Justice*, (“Report”) observed:

A serious issue facing court staff when confronted with inquiries from a self-represented litigant is the difficulty in providing meaningful information without giving legal advice. Although the role of court personnel is to assist court users in obtaining the information they request, court personnel generally are not licensed attorneys and, under unauthorized practice of law rules and court policies, may not provide legal advice. Lack of clarification on what court staff can and cannot do to assist self-represented litigants without engaging in the practice of law is a significant issue for court staff. The escalating number of self-represented litigants and the consequent requests for assistance only exacerbate this concern.

Report at p. 19. To address this problem, the Committee recommended:

Recommendation 1. Adopt a Rule of Court that specifically enables clerks of court and staff to fulfill their duties, as public servants, to assist those using or interested in the court system and its processes without improperly engaging in the unauthorized practice of law.

Report at p. 27. More explicitly, in its Appendix the Committee addressed the current perceived constraints imposed upon clerks by the unauthorized practice of law rule, and recommended that:

Court personnel should be permitted to:

\*\*\*

(2) Provide court-approved forms, pleadings or publications to a person based on the person’s stated need, desire or intention;

(3) Answer questions that assist a person to identify, select or complete any approved form provided by the court or clerk’s office, including explaining the meaning of any terms or language used in such approved form; and, assist a person in filling out any court-approved form, pleading, or document provided

that the court clerk or employee believes that the person is unable to do so;...

Report at p. 59. The proposed revisions would finally provide the clarity for clerks that was identified by the Committee 23 years ago.

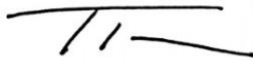
We are also pleased to see that the proposed amendments would allow court clerks and self-help staff to assist disabled, illiterate, or non-English-speaking litigants in completing court-approved forms. This is a reform that simply must be enacted in order to provide meaningful access to justice for these court users.

The proposed amendments would not impose a duty upon clerks to assist pro se litigants with court forms. If a clerk is uncertain as to the proper assistance to be provided, or if workload pressures preclude the clerk from providing help, the proposed rule changes do nothing to impose an obligation upon the clerk to offer extra assistance. Rather, these amendments should dramatically reduce clerks' fear of an inadvertent violation of the unauthorized practice of law rule should they decide to provide this much-needed assistance, improving both access to justice and the smooth administration of the courts.

For these reasons, the Association of Virginia Legal Aid Programs applauds and supports the proposed amendments.

With kindest regards, I am

Sincerely yours,



Tim Freilich, Executive Director  
Legal Services Corporation of Virginia



March 7, 2025

Via Email: [publiccomment@vsb.org](mailto:publiccomment@vsb.org)

Cameron M. Rountree

Executive Director

Virginia State Bar

1111 East Main Street, Suite 700

Richmond, Virginia 23219-0060

Re: Public Comment on Proposed Amendments to Virginia's Unauthorized Practice Rules - Draft Rule 3(O)

Dear Mr. Rountree,

We appreciate the opportunity to submit this comment on the proposed amendments to Virginia's Unauthorized Practice of Law (UPL) rules. The North Carolina Justice for All Project (JFAP) is a non-profit advocacy organization dedicated to expanding access to justice in North Carolina and beyond, working to create meaningful legal reforms that serve all communities. Our team comprises individuals with diverse backgrounds, including experience in family law, public sector work, law enforcement, and victim advocacy. United by personal experiences assisting those entangled in civil legal disputes, we witness firsthand how justice is often only attainable for those who can afford an attorney.

To address this crisis in access to justice, we propose innovative policy alternatives and advocate for utilizing legal advocates other than attorneys to serve the public effectively in specific legal areas. We are committed to fighting for the millions who cannot afford a lawyer, do not qualify for legal aid or pro bono services, and have no other options for representation or advice when they have a legal need.

We write to express deep concerns regarding the limited scope of Virginia's proposed amendments to the Unauthorized Practice of Law (UPL) rules. While the proposal acknowledges the need for some level of reform, its impact is far too narrow to meaningfully address the access to justice crisis in Virginia. The proposed amendments to Draft Rule 3(O) merely allow court clerks, librarians, courthouse navigators, and self-help center staff to provide limited assistance in identifying and completing court-approved forms. While this is a step forward, candidly, it is wholly insufficient to meet the vast unmet legal needs of Virginians.

A true solution must go beyond basic form assistance. The legal challenges that individuals face—whether eviction, debt collection, family law disputes, or benefits denials—require more than administrative guidance. Restricting limited legal help to a select group of court-affiliated staff does little to scale access to justice in a way that truly makes a difference. Other states have recognized this, implementing community-based models that empower trained justice workers to assist individuals with substantive legal problems. Virginia's proposal, by contrast, does not even attempt to create a framework that could meaningfully expand access to justice in a scalable way.

As members of the legal community and advocates for civil access to justice, we have followed Virginia's progress toward providing meaningful resources for civil legal needs to your citizens. We applaud the acknowledgment that reform is necessary, but we urge the Virginia State Bar to adopt a far more ambitious and scalable approach. Many individuals and families cannot afford the high cost of legal services, leaving them vulnerable to legal problems that impact housing, safety, economic stability, and family structure. This is especially true for marginalized communities, who often face barriers to accessing legal assistance.

Nearly 1.4 million Virginians qualify for legal aid services based on Legal Services Corporation (LSC) income eligibility guidelines, which include individuals and families earning at or below 125% of the Federal Poverty Level (FPL).<sup>1</sup> However, this figure does not account for the vast number of middle-income Virginians who also struggle to access affordable legal services. An estimated 1.76 million to 3.96 million middle-income Virginians experience unmet legal needs, reflecting the national trend in which 40% to 75% of middle-income individuals face legal challenges without adequate assistance.<sup>2</sup> Additionally, in 2022, approximately 1.3 million Virginians encountered at least one civil legal problem.<sup>3</sup>

To view the size of this deeply impacted population another way, according to the United Way's ALICE Report, 11% of Virginia households earn below the FPL, while another

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<sup>1</sup> Legal Services Corporation, "The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans," 2022, <https://justicegap.lsc.gov>.

<sup>2</sup> Sandefur, Rebecca L. *Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study*. *South Carolina Law Review*, Vol. 69 (2018), <https://scholarcommons.sc.edu/cgi/viewcontent.cgi?article=4171&context=sclr>. This estimate is based on national research indicating that 40% to 75% of the middle-income population experiences unmet legal needs. Using Virginia's total population of 8.8 million, the estimated middle-class population is 4.4 million to 5.28 million (50-60% of the total population). Applying the 40-75% range of unmet legal needs to Virginia's middle-class population results in an estimated 1.76 million to 3.96 million middle-income Virginians with unmet legal needs.

<sup>3</sup> Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans*, 2022, <https://justicegap.lsc.gov>. This estimate is based on LSC's finding that 50 million Americans—15% of the U.S. population—experience at least one civil legal issue annually. Given Virginia's population of approximately 8.6 million, or 2.59% of the total U.S. population, this equates to an estimated 1.3 million Virginians facing at least one civil legal problem each year.

29% are ALICE households—Asset Limited, Income Constrained, Employed—who earn above the FPL but not enough to afford basic necessities.<sup>4</sup> Together, 40% of Virginia households live below the ALICE Threshold. There is a dire need for legal solutions that serve both low-income and middle-income populations.

Despite the significant legal needs of low-income individuals, many middle-income families also struggle to access affordable legal services.<sup>5</sup> Unfortunately, there are few alternatives available to the middle-income population for assistance with legal disputes. While legal aid plays an essential role in helping low-income individuals access legal services, there are limitations to what they can provide. Pro bono services, though valuable, cannot alone solve the access to justice crisis.<sup>6</sup> They are typically provided by volunteer lawyers who offer brief advice and counsel, which, while helpful, is not a sustainable solution for the millions who need extended service and cannot afford legal help. The access to justice crisis requires meaningful change, including regulatory reforms, to ensure that everyone has access to the legal help they need, regardless of their financial circumstances.

Those who cannot qualify for free legal services and cannot afford a lawyer are frequently referred to as the "missing middle" because they are often disregarded.<sup>7</sup> To address the "missing middle" in Virginia and ensure legal services are more accessible and affordable, it is essential to establish a two-pronged approach:

1. Limited Licensing for Paralegal Professionals: Virginia should introduce a limited licensing system that allows qualified paralegal professionals to provide specific legal services to individuals who cannot afford an attorney but do not qualify for legal aid. By creating a structured regulatory framework, these professionals could assist in critical legal matters such as housing, consumer protection, and family law, offering a more accessible alternative to traditional legal representation for the middle-income population. This population may be able to pay for some legal services but cannot afford the full cost of hiring an attorney.
2. Expanding Community Justice Workers: To meet the urgent needs of Virginia's low-income population, the state must adopt a scalable model that integrates community justice workers, trained non-lawyer advocates embedded in trusted

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<sup>4</sup> United for ALICE, "Virginia: ALICE in the Crosscurrents," 2022, <https://unitedforalice.org/virginia>. According to the 2022 data, 977,828 Virginia households were classified as ALICE, meaning they earned above the Federal Poverty Level (FPL) but struggled to afford basic necessities. Additionally, 359,347 households were below the poverty level, further reflecting the significant portion of Virginians facing economic hardship

<sup>5</sup> Legal Services Corporation, "The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans," 2022, <https://lsc.gov/justicegap2022>.

<sup>6</sup> Ibid.

<sup>7</sup> Institute for the Advancement of the American Legal System (IAALS), *Allied Legal Professionals: A National Framework for Legal Access*, 2021, <https://iaals.du.edu/projects/allied-legal-professionals>.

community spaces. These individuals can provide essential legal services, helping underserved populations understand their rights, complete necessary legal forms, and access appropriate resources. Other states have demonstrated that community-based legal assistance models significantly increase access to justice without compromising consumer protection.

S.M. Kernodle-Hodges, Executive Director of the North Carolina Justice for All Project, is a Virginia native and a former law enforcement official who served for ten years before moving to North Carolina. Her years of experience as a law enforcement official provide direct insight into the intersection of civil and criminal law, where unresolved civil legal issues often escalate into criminal matters. Evictions, debt-related disputes, and limited access to family law remedies can result in homelessness, theft, or domestic conflicts that lead to criminal charges. When individuals lack legitimate means to tackle their legal challenges, they may resort to desperate measures that entangle them in the criminal justice system. Moreover, we have a fundamental duty to uphold justice and ensure that all Virginians have meaningful access to the legal resources they require. Virginians deserve a legal system that not only serves them but evolves to meet their needs at each stage of life, not one that unjustly keeps them from essential support options.

Respectfully,

S.M. Kernodle-Hodges  
Executive Director, Co-Founder

Dr. Alicia Mitchell-Mercer  
Policy Analyst, Co-Founder

Enclosure: Appendix A – ALICE Data for Virginia

# APPENDIX A

# ALICE IN THE CROSSCURRENTS

## AN UPDATE ON FINANCIAL HARDSHIP IN VIRGINIA

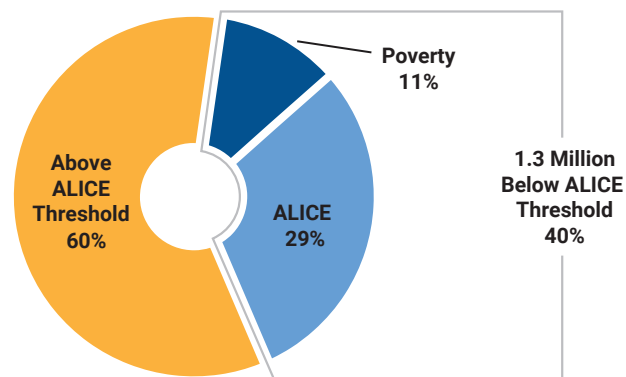
In 2022, financial hardship in Virginia continued to be shaped by the conflicting economic forces of the pandemic, and remained substantially undercounted by official measures.

These powerful crosscurrents — COVID-19, inflation, wage growth, and the expansion and expiration of [pandemic public assistance](#) — impacted how many Virginia households were below the [ALICE Threshold of Financial Survival](#).

Between 2021 and 2022, the number of households in poverty in Virginia increased by 21,319 (to 11% of all households) and the number of ALICE households increased by 66,124 (to 29% of all households), continuing a more than decade-long trend in the growth of households living in financial hardship. **In 2022, of the 3,338,674 households in Virginia, 1,337,175 — 40% — were below the ALICE Threshold.**

With the latest data from the [American Community Survey](#) (2022), the [U.S. Census Bureau's Household Pulse Survey](#) (2023), and the [Federal Reserve Board's Survey of Household Economics and Decisionmaking](#) (SHED) (2022), this Update highlights the conflicting forces that continue to present opportunities for, and barriers to, financial stability in Virginia.

Total Households in Virginia = 3.3 Million



### KEY TERMS

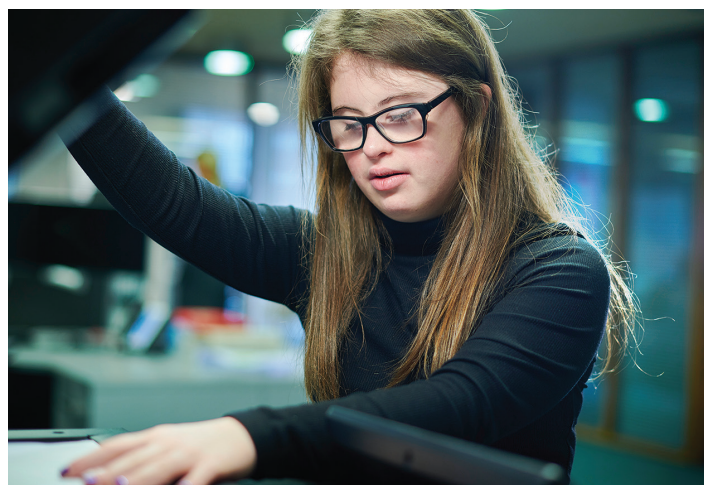
- **ALICE: Asset Limited, Income Constrained, Employed** — households that earn above the Federal Poverty Level (FPL) but cannot afford the basic cost of living in their county. Despite struggling to make ends meet, ALICE households often do not qualify for public assistance.
- **ALICE Household Survival Budget:** Reflects the minimum costs of household necessities in Virginia (housing, child care, food, transportation, health care, and technology) plus taxes, adjusted for different counties and household types
- **ALICE Threshold of Financial Survival:** Derived from the Household Survival Budget, the minimum average income that a household needs to afford basic costs, calculated for all U.S. counties
- **Below ALICE Threshold:** Includes households in poverty and ALICE households combined
- **ALICE Essentials Index:** A measure of the average change over time in the costs of essential goods and services



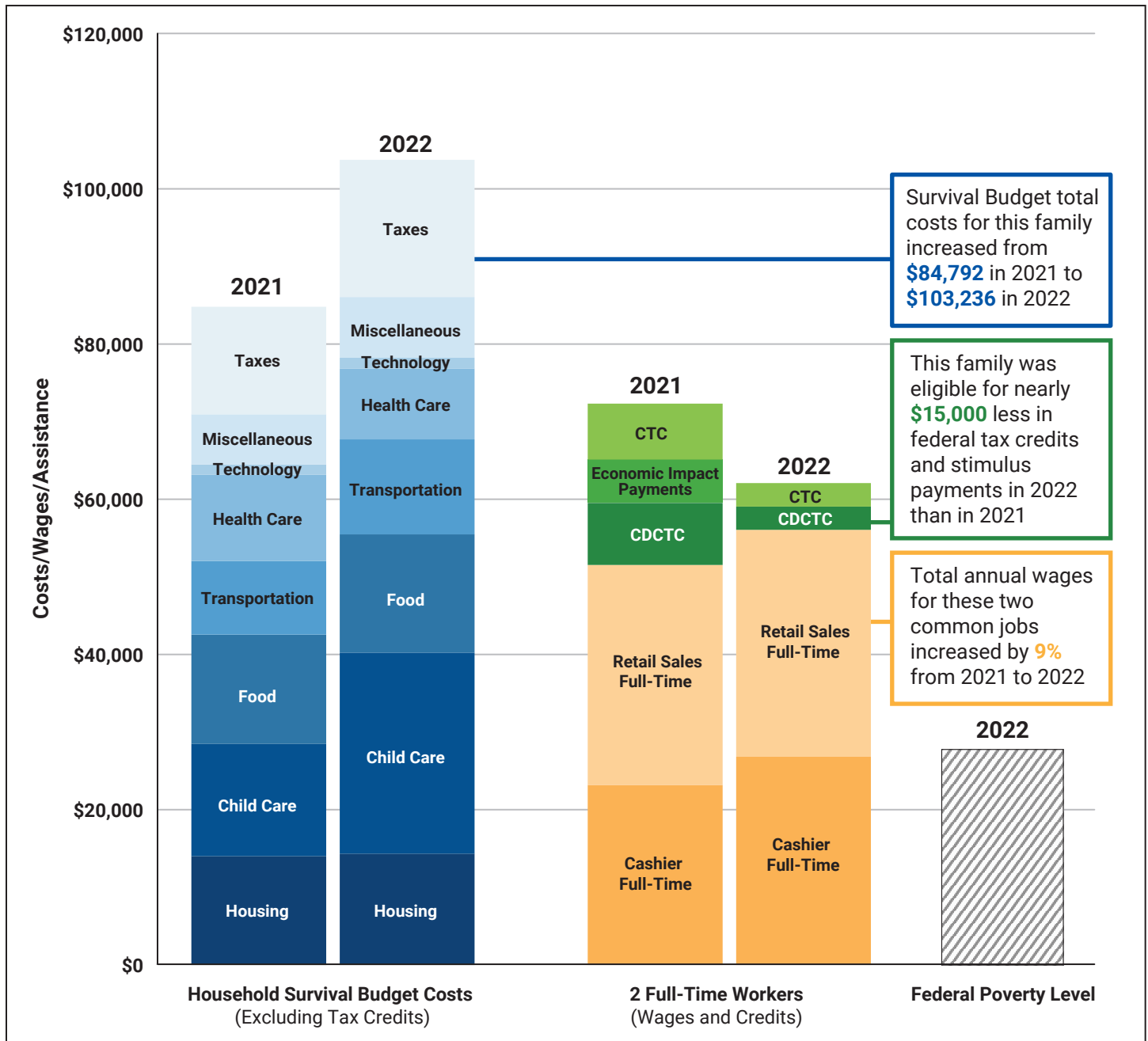
# HOUSEHOLD COSTS, PUBLIC ASSISTANCE, AND WAGES

Financial hardship among Virginia households shifted from 2021 to 2022 based primarily on three factors:

- Costs:** From 2021 to 2022, the ALICE Household Survival Budget for a single adult in Virginia increased from \$30,516 to \$31,944, well above the FPL of \$13,590. For a family of four with an infant and a preschooler, the budget (including tax credits) increased from \$70,788 to \$98,040, well above the FPL of \$27,750. Excluding tax credits, costs for a family of four totaled \$103,236 in 2022, up from \$84,792 in 2021. (More data on inflation is available in the [ALICE Essentials Index](#) June 2024 Update.)
- Public assistance:** Pandemic assistance had the most pronounced effects on families with children. The Economic Impact Payments and the expansions of the Child Tax Credit (CTC) and the Child and Dependent Care Tax Credit (CDCTC) helped many ALICE families through 2021. But this assistance was substantially reduced when the [2021 American Rescue Plan](#) expired, stimulus payments ended, and tax credits reverted to 2020 levels. In 2022, a family of four with an infant and a preschooler in Virginia was eligible for approximately \$15,000 less in maximum federal tax credits and stimulus payments than in 2021.
- Wages:** As pandemic assistance wound down, wages increased for most low-wage jobs. For example, median retail sales wages in Virginia increased from \$13.62 per hour in 2021 to \$14.05 per hour in 2022.



# Comparison of Costs, Public Assistance, and Wages, Family of Four, Virginia, 2021 and 2022



Note: CTC = Child Tax Credit, CDCTC = Child and Dependent Care Tax Credit. Full-time income is calculated based on 40 hours per week.

Sources: ALICE Threshold, 2021 and 2022; Bureau of Labor Statistics—Occupational Employment Statistics, 2021 and 2022; Internal Revenue Service, tax credits—CTC, CDCTC, EITC, 2021 and 2022; U.S. Department of the Treasury, 2022 and 2023.

See page 13 for Household Survival Budget sources and visit [UnitedForALICE.org/Household-Budgets/Virginia](https://UnitedForALICE.org/Household-Budgets/Virginia) to see the Household Survival Budget for all counties and for any household composition.

## Comments UPL Rules pg. 29

Across the country, between 2019 and 2022, [wages for the lowest-paid jobs increased](#) at a faster rate than at any point since 1979. This was in part due to a [tighter labor market](#) in which workers reevaluated their employment situation in the wake of the pandemic and inflation, and employers had to offer more competitive wages to attract and retain them. Minimum wage increases in some states also contributed to this effect. From 2019 to 2022, the minimum wage in Virginia increased from \$7.25 per hour (when the state was following the Federal minimum wage) to \$11.00 per hour. [In January 2021, Virginia implemented its first minimum wage increase since 2010.](#) The federal minimum wage has remained at \$7.25 per hour.

While wage increases helped fill the gap when pandemic assistance ended, they were not enough to make up for years of falling behind. In 2022, of the 20 most common occupations in Virginia as reported by the Bureau of Labor Statistics (BLS), 60% still paid less than \$20 per hour. And of the workers in these 20 most common occupations, 33% were below the ALICE Threshold in 2022. Occupations with the largest share of ALICE workers included cooks, personal care aides, nursing assistants, cashiers, stockers/order fillers, and waiters/waitresses.

## Labor Characteristics of Most Common Occupations, Virginia, 2019–2022

Most Common Occupations	Total Employment, 2022 (BLS)	Percent of Workers Below ALICE Threshold, 2022 (ACS PUMS)	Median Hourly Wage, 2022 (BLS)	Percent Change in Wage, 2019–2022 (BLS)
Fast Food and Counter Workers	94,940	43%	\$12.61	30%
Retail Salespersons	93,280	40%	\$14.05	21%
General and Operations Managers	89,710	16%	\$56.31	-4%
Cashiers	86,420	52%	\$12.90	23%
Software Developers	84,220	5%	\$62.97	N/A
Driver/Sales Workers and Truck Drivers	81,650	35%	\$19.68	8%
Stockers and Order Fillers	74,270	46%	\$15.32	21%
Customer Service Representatives	70,850	39%	\$17.57	11%
Office Clerks, General	70,350	35%	\$18.37	15%
Registered Nurses	69,510	14%	\$38.32	13%
Management Analysts	65,200	8%	\$49.75	6%
Cooks	61,630	55%	\$14.45	19%
Personal Care Aides	58,670	55%	\$12.02	18%
Elementary and Middle School Teachers	55,500	15%	\$29.30	-8%
Waiters and Waitresses	52,300	43%	\$14.08	42%
Laborers and Movers, Hand	51,070	40%	\$17.10	30%
Accountants and Auditors	49,030	11%	\$38.40	3%
Administrative Support Supervisors	39,990	22%	\$29.35	7%
Bookkeeping, Accounting, and Auditing Clerks	37,400	22%	\$21.45	7%
Nursing Assistants	36,830	54%	\$15.68	17%

Note: BLS = Bureau of Labor Statistics; ACS PUMS = American Community Survey Public Use Microdata Sample. Occupation titles and percent of workers below the ALICE Threshold come from ACS PUMS. ALICE Threshold status is determined by comparing workers' household income to the Household Survival Budget for their household composition and location. Employment and wage numbers are from BLS and are matched to the closest PUMS occupation title (which are generally broader than those in BLS). The 2019 median wage for Software Developers is missing/renamed in the BLS dataset, therefore we cannot calculate the percent change in wage, 2019-2022.

Sources: ALICE Threshold, 2022; Bureau of Labor Statistics—Occupational Employment Statistics, 2022; U.S. Census Bureau, American Community Survey, PUMS, 2019 and 2022

To see the most common occupations for workers below the ALICE Threshold in your community, visit [UnitedForALICE.org/ALICE-EVD](https://UnitedForALICE.org/ALICE-EVD). For more data on jobs by hourly wages and full-time, part-time, and hourly work schedules, visit [UnitedForALICE.org/Labor-Force/Virginia](https://UnitedForALICE.org/Labor-Force/Virginia).

# Financial Hardship Over Time

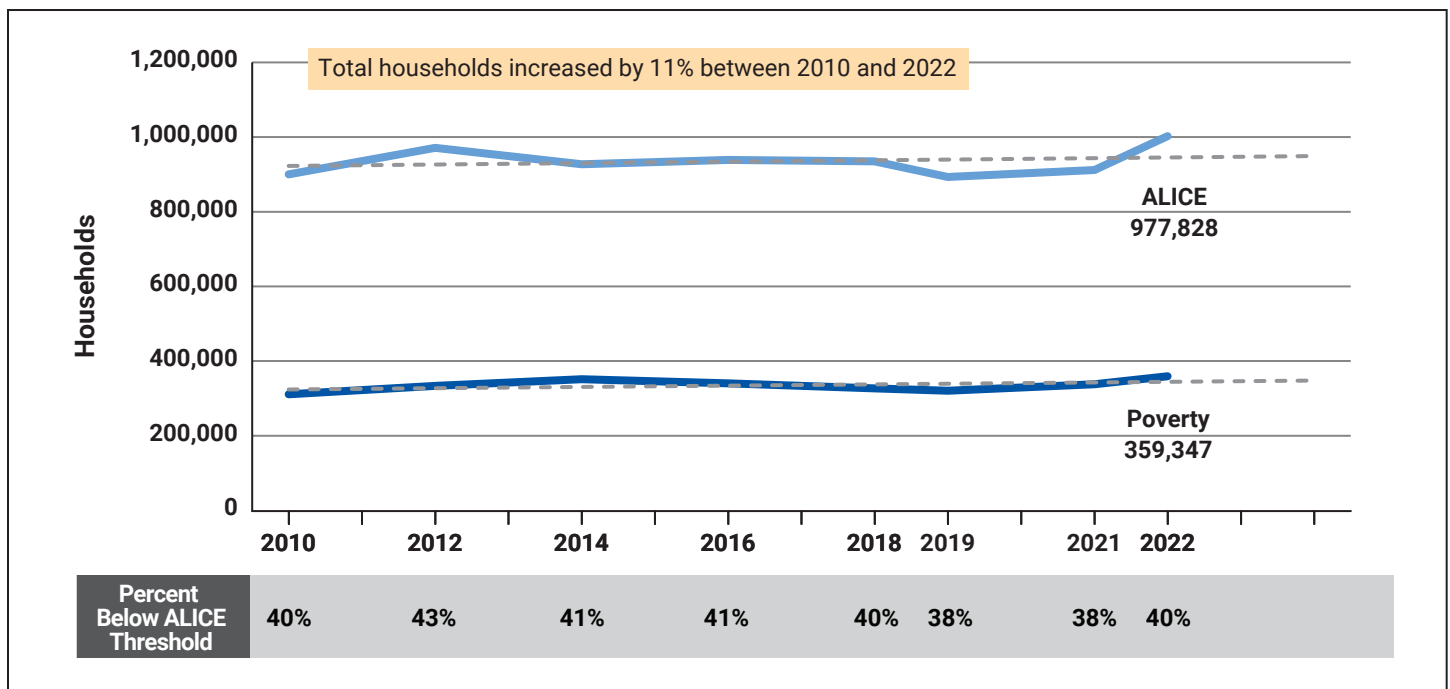
Despite some ups and downs in rates of financial hardship since the end of the Great Recession (2010–2022), **the number of ALICE households in Virginia has remained stubbornly high.** During this period, the total number of households in the state increased by 11%, households in poverty increased by 16%, and the number of ALICE households increased by 9%. By 2022, 11% (359,347) of all households were below the FPL, and 29% (977,828) of all households were ALICE – a combined 40% (1,337,175) of households struggling to make ends meet.

from 38% of households below the ALICE Threshold in 2019 to 40% in 2022 (from 1,213,684 to 1,337,175 households).

This consistent trend – a growing number of households that are struggling financially, often ineligible for public assistance, and undercounted by official measures – represents a major vulnerability in our economic system. It also suggests that overall social and economic policies are falling short in addressing the root causes of financial instability.

Narrowing the focus to the period around the COVID-19 pandemic, the rate of financial hardship in Virginia increased

## Households by Income, Virginia, 2010–2022



Note: The gray dashed trend lines in this figure highlight the general direction of the point-in-time data for the years shown. These lines indicate whether the numbers of ALICE and Poverty-Level households have been generally increasing, decreasing, or remaining flat. However, the ALICE and Poverty trend lines are not statistically significant, and caution should be used when making predictions.

Sources: ALICE Threshold, 2010–2022; U.S. Census Bureau, American Community Survey, 2010–2022

To see additional data on financial hardship over time in Virginia, visit [UnitedForALICE.org/Virginia](https://UnitedForALICE.org/Virginia).

# SPOTLIGHT ON ALICE DEMOGRAPHICS

## Families With Children

While recent attention has focused on the rising [Supplemental Poverty Rate](#) for children following the expansion and reversal of Child Tax Credits during and after the pandemic, longer-term trends tell a different, more nuanced story in Virginia.

Overall the total number of households with children in Virginia has remained flat (less than a 1% change from 2010 to 2022). Married-parent households fell slightly in number from 635,263 in 2010 to 629,293 in 2022 (down 1%), and single-female-headed households had a bigger drop, falling from 207,023 in 2010 to 193,291 in 2022 (down 7%). At the same time, the number of single-male-headed households

increased, from 58,967 in 2010 to 69,822 in 2022 (up 18%). Overall, the number of married-parent and single-female headed ALICE households with children in Virginia have decreased from 2010 to 2022, yet the number of single-male headed ALICE households with children has increased considerably (up 33%).

By 2022, 35% of families with children in Virginia were below the ALICE Threshold. And longstanding disparities in financial hardship by household type remained: 76% of single-female-headed families and 60% of single-male-headed families were below the ALICE Threshold in 2022, compared to 19% of married-parent families.

## Households With Children, Virginia

	Married-Parent	Single-Female-Headed	Single-Male-Headed
<b>Percent Change 2010 to 2022</b>			
Total Households	▼ Decreased 1%	▼ Decreased 7%	▲ Increased 18%
Households in Poverty	▼ Decreased 15%	▼ Decreased 8%	▼ Decreased 5%
ALICE Households	▼ Decreased 9%	▼ Decreased 5%	▲ Increased 33%
<b>Percent Below ALICE Threshold, 2022</b>	<b>19%</b>	<b>76%</b>	<b>60%</b>

*Note: Poverty rates for families with children differ from rates for individual children, in part due to different surveys and in part because there are often multiple children in a single household, which can accentuate swings.*

*Sources: ALICE Threshold, 2010–2022; U.S. Census Bureau, American Community Survey, 2010–2022*

### THE COST OF CHILD CARE

Child care remains one of the highest Survival Budget costs for households with children, and the [child care system](#) is still feeling the impact of the COVID-19 pandemic. Provider shortages and lack of affordable care present fewer options for parents. According to the October 2023 Household Pulse Survey, when families in Virginia were asked what they did when child care was closed, unavailable, or unaffordable, the most common responses for respondents below the ALICE Threshold were to take unpaid leave (28%), to cut work hours (23%), or to supervise one or more children while working (18%).

# Households Headed by People Age 65 and Over

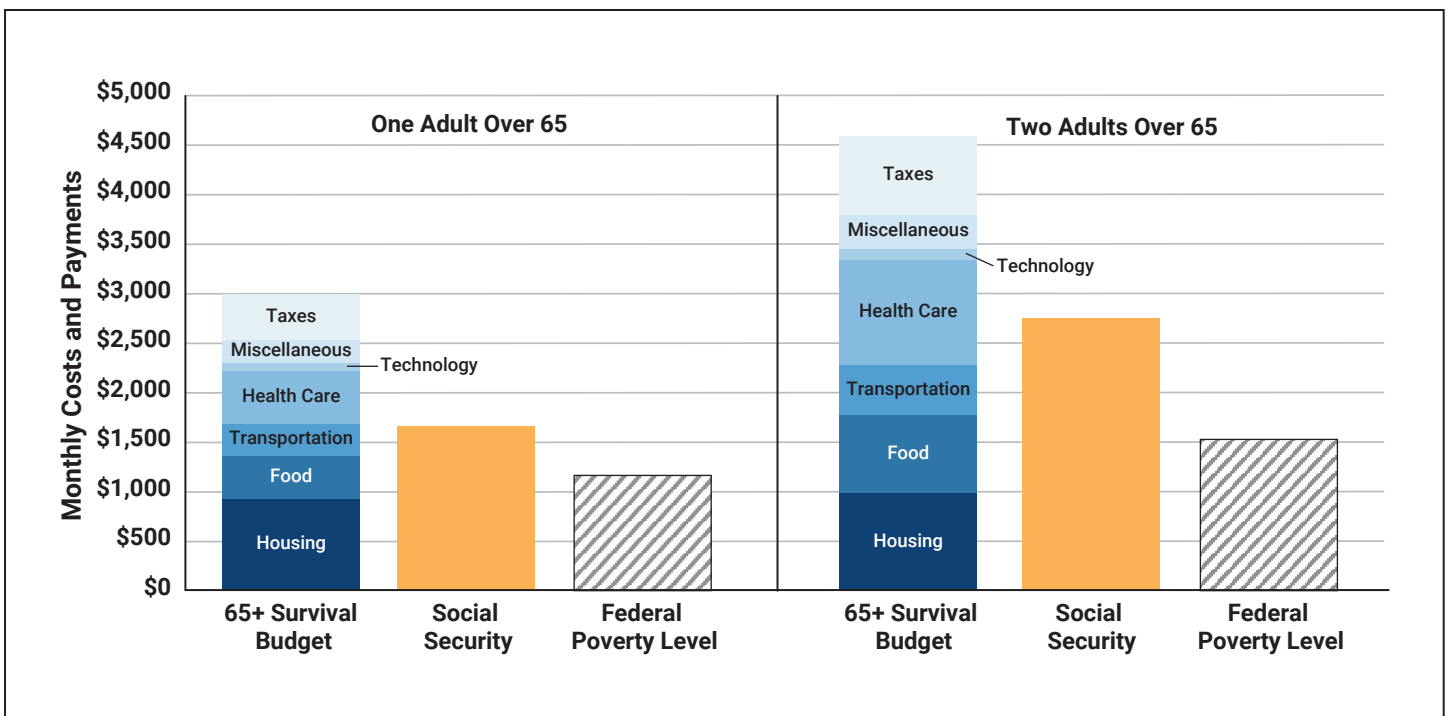
With the [aging of the Baby Boomer generation](#), households headed by people age 65 and over are the fastest-growing age group in Virginia (up 45% between 2010 and 2022). They are also the age group with the most substantial increase in the number of households below the ALICE Threshold (up 35% during the same period).

In 2022, 48% of Virginia’s 65+ households were below the ALICE Threshold (415,217). While Social Security helps [reduce the poverty rate for households headed by older adults](#) (11% in Virginia in 2022), benefits have not been enough to help bring older adults to financial stability.

As a result, for more than a decade, a substantial number of these households have been ALICE (37% in 2022). In 2022, monthly costs for the ALICE 65+ Survival Budget for one adult in Virginia were \$1,335 more than the [average Social Security payment](#) of \$1,657.

With increasing costs and insufficient retirement savings, many older adults have needed to continue working. In 2022, nearly 365,800 people age 65 and over living below the ALICE Threshold in Virginia did not have retirement savings beyond Social Security, and nearly 64,300 were working.

## Monthly ALICE 65+ Survival Budget Total, Average Monthly Social Security Payments, and the Federal Poverty Level, Virginia, 2022



Note: See page 13 for a breakdown of monthly ALICE 65+ Survival Budget costs.

Sources: ALICE 65+ Survival Budget, 2022 (see the ALICE [Methodology](#) for details); Social Security Administration, 2022

# Black, Hispanic, and Indigenous Households

Rates of financial hardship differ substantially by race/ethnicity in Virginia due to [persistent systemic racism, discrimination](#), and [geographic barriers](#) that limit many families' access to resources and opportunities for financial stability. In 2022, 54% of Black, 48% of Hispanic, and 41% of households headed by someone of Two or More Races were below the ALICE Threshold in Virginia, compared to 36% of White and 32% of Asian households. Rates of financial hardship were also higher among smaller Indigenous populations in the state: 46% of American Indian/Alaska Native households and 42% of Native Hawaiian/Pacific Islander households were below the Threshold in 2022. These disparities were also mirrored in access to health care and employment.

- **Health:** According to the Federal Reserve SHED (October 2022), in the [South Atlantic Census Region](#) (which includes Virginia) 37% of Black and 37% of Hispanic respondents reported that during the previous year they went without health care (prescription medicine, seeing a doctor, mental health care, or dental care) because they couldn't afford it, compared to 27% of White respondents below the Threshold.
- **Employment:** Black and Hispanic workers were more likely than White workers to experience [disruptions in employment](#) during the pandemic. And gaps in employment persist, especially for Black Virginians: 10% of Black workers below the ALICE Threshold were not currently working but looking for work in 2022 – higher than the rate for all workers below the Threshold (7%) and much higher than for workers above the Threshold (2%).



## Household Financial Status and Key Demographics, Virginia, 2022

	Total	Below ALICE Threshold	<span style="color: #0056b3;">■</span> Poverty <span style="color: #4f81bd;">■</span> ALICE <span style="color: #ffc000;">■</span> Above ALICE Threshold		
<b>ALL HOUSEHOLDS</b>	3,338,674	1,337,175	11%	29%	60%
<b>AGE</b>					
Under 25 Years	129,075	93,398	34%	38%	28%
25 to 44 Years	1,110,811	419,968	10%	28%	62%
45 to 64 Years	1,226,221	408,592	9%	24%	67%
65 Years and Over	872,567	415,217	10%	37%	52%
<b>RACE/ETHNICITY</b>					
American Indian/ Alaska Native	7,865	3,605	8%	38%	54%
Asian	194,970	61,716	5%	26%	68%
Black	613,124	333,045	13%	41%	46%
Hispanic	239,930	114,442	6%	42%	52%
Native Hawaiian/ Pacific Islander	2,108	895	9%	34%	58%
Two or More Races	157,715	64,276	7%	34%	59%
White	2,155,996	768,585	6%	29%	64%
<b>HOUSEHOLD TYPE</b>					
Married With Children	629,293	119,014	4%	15%	81%
Single-Female- Headed With Children	193,291	147,367	36%	40%	24%
Single-Male-Headed With Children	69,822	41,554	14%	45%	40%
Single or Cohabiting, Under 65, no Children	1,573,701	614,023	10%	29%	61%
<b>RURAL/URBAN</b>					
Rural	406,131	199,318	16%	33%	51%
Urban	2,932,543	1,137,857	10%	29%	61%

Note: The groups shown in this figure are based on head of household and overlap across categories. Within the race/ethnicity category, all racial categories except Two or More Races are for one race alone. Race and ethnicity are overlapping categories; in this Update, the American Indian/Alaska Native, Asian, Black, Native Hawaiian (includes other Pacific Islanders), and Two or More Races groups may include Hispanic households. The White group includes only White, non-Hispanic households. The Hispanic group may include households of any race. Because household poverty data is not available for the American Community Survey's race/ethnicity categories, annual income below \$15,000 is used as a proxy. Counties are defined as rural or urban based on the USDA's designation of metropolitan or non-metropolitan at the census tract level. Counties with 50% or more of the population in metropolitan tracts are designated as urban; those with 50% or more of the population in non-metropolitan tracts are designated as rural.

Sources: ALICE Threshold, 2022; American Community Survey, 2022

# ALICE REMAINS IN THE CROSSCURRENTS

Many ALICE households face [ongoing distress](#) because they have not recovered from the Great Recession, debt accumulation, a job loss, or other major challenges. Many are working hard and still struggling to find safe housing, quality child care, nutritious food, accessible health care, and reliable transportation that they can afford. Rising wages and pandemic assistance mitigated some of the financial impact of business disruptions, a health crisis, and rising inflation that characterized the past few years. Yet 40% of households in Virginia were still struggling in 2022 — [ranking](#) Virginia 24<sup>th</sup> among all states and the District of Columbia in financial hardship (with 1<sup>st</sup> representing the lowest rate of hardship). Insights from the SHED and the Household Pulse Survey help explain why:



## Inflation is Hitting ALICE Harder

- **The cost of basics** is increasing faster than the overall rate of inflation, as reported by the [ALICE Essentials Index](#). And it continues to be as difficult for ALICE to keep up with bills as at the height of the pandemic. According to the Household Pulse Survey, 51% of households below the ALICE Threshold in Virginia reported that it was somewhat or very difficult to pay for usual items such as food, rent or mortgage, car payments, and medical expenses in October 2023, similar to 49% in August 2020.
- **Housing costs** are on the rise in many parts of the state, and the impact is greater for those who were already struggling financially. According to the SHED, in 2022, 43% of households below the ALICE Threshold in the Virginia reported that their rent or mortgage had increased in the prior 12 months (compared to 31% of households above the Threshold).

## Changes in Public Assistance Impact ALICE

- **Food assistance:** Increased need for food assistance was a hallmark of the pandemic. Food pantries experienced a substantial increase in [demand for services](#), and Supplemental Nutrition Assistance Program (SNAP) [eligibility criteria broadened and monthly payments increased](#) (through February 2023). In 2022, the need remained high, with one in six Americans (49 million) [receiving private charitable food assistance](#) — down from the height of the pandemic, but still up markedly from 40 million in 2019. In part due to the SNAP income eligibility level in Virginia (200% of the FPL), public food assistance was not accessible to all households who were struggling financially: Only 38% of all Virginia households in poverty and 15% of all ALICE households participated in SNAP in 2022. Among all eligible people, [estimated SNAP participation rates were higher](#).
- **Rent:** With rising costs, the expiration of [pandemic rental assistance](#) and the end of both [state](#) and [federal eviction bans](#), many Virginians continued to struggle to pay their rent. In 2022, 69% of households below the ALICE Threshold in Virginia were rent burdened (paying more than 30% of their income on rent) and 43% were severely rent burdened (paying more than 50% of their income on rent). And according to the Household Pulse Survey, in October 2023, 12% of renter households below the ALICE Threshold in Virginia were behind on rent payments, down from 17% in August 2020.

# ALICE is Less Prepared for Crises and Retirement

- **ALICE struggles to save:** According to the SHED, in 2022, only 37% of households below the ALICE Threshold in Virginia had emergency savings (or rainy day funds) that would cover their expenses for three months in the event of sickness, job loss, economic downturn, or another emergency – considerably lower than the rate for those above the Threshold (76%).
- **ALICE faces unexpected medical expenses:** According to the SHED, 20% of respondents below the ALICE Threshold in Virginia incurred an unexpected major medical expense that they had to pay for out of pocket because it was not completely paid for by insurance in 2022, similar to 21% in 2021. Medical debt generally reflects [poorer health](#) and lower rates of health care coverage, and can lead to [lower credit scores](#) and [additional financial hardship](#). Additionally, the [consequences of medical debt](#) are not experienced equally; those with lower incomes and people of color are more likely than their counterparts to be contacted by collection agencies and denied future care.
- **Financial hardship impedes retirement savings:** According to the SHED, in 2022, while 29% of all non-retired adults and 38% of non-retired adults above

the ALICE Threshold in Virginia reported that their retirement savings plan was currently on track, only 15% of those below the Threshold reported the same.
















- **Financial hardship takes a toll on mental health:** The negative impact of financial stress on mental health has been [well established](#). According to the Household Pulse Survey, 20% of respondents below the ALICE Threshold in Virginia reported feeling nervous, anxious, or on edge nearly every day over the prior two weeks in October 2023 – slightly improved from August 2020 (23%), yet still double the rate for those above the Threshold (10% in 2023).

This research shows a clear trend in our communities and our economy: Financial hardship is widespread, and it is not going away. The current system is not working for ALICE. The narrative in this Update helps make the case for innovative, cross-sector change in Virginia and across the U.S. The data, tools, and resources on the [United For ALICE](#) website can equip business, government, education, and nonprofit leaders to make data-informed decisions that address the root causes of financial hardship. Collaborative effort at all levels – local, state, and federal – will be needed to change the trajectory for ALICE households.



# ALICE ONLINE

Visit [UnitedForALICE.org](https://UnitedForALICE.org) to explore interactive data and resources. Click the icons below to get started.

 <p><b>Interactive Maps</b> Data at the state, county, municipal, and ZIP-code levels</p>	 <p><b>ALICE Demographics</b> Information about ALICE households by age, race/ethnicity, household type, and location</p>	 <p><b>County Reports</b> An in-depth look at ALICE data, county by county</p>
 <p><b>Data Sheet</b> Spreadsheet of ALICE data over time and by location</p>	 <p><b>ALICE Household Budgets</b> ALICE Household Survival and Stability Budgets for the state and one or more counties</p>	 <p><b>ALICE Essentials Index</b> Key data on the increase in the cost of household basics over time</p>
 <p><b>Legislative District Tool</b> ALICE data by legislative district, including state upper and lower chambers and congressional districts</p>	 <p><b>National Overview</b> National ALICE data and a comparison of financial hardship across U.S. states</p>	 <p><b>Economic Viability Dashboard</b> Key data on the local economic conditions that matter most to ALICE households: Work, Housing, and Community Resources</p>
 <p><b>Research Advisory Committees</b> Information about the members and role of these critical groups</p>	 <p><b>ALICE Methodology</b> Overview of the sources and calculations used in the ALICE research</p>	 <p><b>Equity for ALICE</b> Creating equity for ALICE by illustrating how structural racism and systemic barriers limit life outcomes, and working to remove those barriers so that all people can participate fully in all aspects of our social and economic systems</p>
 <p><b>ALICE Voices</b> Are you ALICE? Use this tool to share your story</p>	 <p><b>ALICE in Action</b> Programs, practices, and policy changes implemented by partners across the United For ALICE network</p>	 <p><b>ALICE Videos</b> Videos that highlight the ALICE research and partner network</p>

# ALICE RESEARCH & METHODOLOGY

The ALICE Household Survival Budget calculates the cost of household essentials for each county in Virginia and relies on a wide range of public data sources, listed below. For household income, the ALICE measures rely on the U.S. Census Bureau’s American Community Survey (ACS) – both household tabulated data and individual data from the Public Use Microdata Sample (PUMS) records. Household costs are compared to household income to determine if households are below the ALICE Threshold. Enhancements from the latest [ALICE Methodology](#) review include:

- **Child care:** The child care source has shifted from the Virginia Department of Social Services Market Rate Survey (2018) to the [Virginia Department of Education cost estimation model](#) (2023). The cost increase reflects both the more recent data and the new approach to estimating child care costs.
- **Health care costs:** A “poor health multiplier” is used to capture the additional costs lower-income households incur for being in poor or fair health. Based on the latest

research, out-of-pocket costs in the health care line item are increased by 19% (a more conservative estimate than the 30% used in prior years).

- **Broadband added:** As the majority of Americans now [have home broadband](#), basic internet has been added to technology costs. The smartphone plan has been updated to include an unlimited (albeit less expensive than the previous 10GB version) smartphone plan for each adult in the household.
- **Determining ALICE status:** For 2021 data and years prior, the ALICE Threshold was rounded by budget total to the nearest ACS income bracket (e.g., Threshold of \$32,500 corresponded to bracket \$30,000–\$34,999; all households in that bracket were below the ALICE Threshold). Starting this year (2022 data), the Threshold is calculated in proportion to where it falls within the bracket (e.g., if Threshold is \$32,500, half of households in the bracket are below the Threshold).

## ALICE Household Survival Budget, Virginia, 2022

	Single Adult (Age 18–64)	Single Adult (Age 65+)	2 Adults, 1 Infant, 1 Preschooler
<b>Monthly Costs</b>			
Housing – Rent	\$766	\$766	\$856
Housing – Utilities	\$163	\$163	\$310
Child Care	-	-	\$2,156
Food	\$467	\$431	\$1,271
Transportation	\$388	\$327	\$1,021
Health Care	\$194	\$531	\$759
Technology	\$86	\$86	\$116
Miscellaneous	\$206	\$230	\$649
Tax Before Credits	\$392	\$458	\$1,465
<b>Monthly Total</b>	<b>\$2,662</b>	<b>\$2,992</b>	<b>\$8,603</b>
<b>ANNUAL TOTAL Before Tax Credits</b>	<b>\$31,944</b>	<b>\$35,904</b>	<b>\$103,236</b>
Tax Credits (CTC and CDCTC)	\$0	\$0	(\$5,196)
<b>ANNUAL TOTAL With Tax Credits</b>	<b>\$31,944</b>	<b>\$35,904</b>	<b>\$98,040</b>
<b>Full-Time Hourly Wage</b>	<b>\$15.97</b>	<b>\$17.95</b>	<b>\$49.02</b>

Note: CTC = Child Tax Credit, CDCTC = Child and Dependent Care Tax Credit. Full-time hourly wage represents the wage needed at 40 hours per week to support the annual total, with credits. For the family of four, this represents the combined wage needed for two workers. Many households incur higher costs, especially for housing, as units may not be available at Fair Market Rent.

Sources: AAA, 2022; Agency for Healthcare Research and Quality, 2022; American Community Survey, 2022; Bureau of Labor Statistics, 2022–Consumer Expenditure Surveys; Bureau of Labor Statistics, 2022–Occupational Employment Statistics; Centers for Medicare & Medicaid Services, 2023–Medicare - Chronic Conditions; Centers for Medicare & Medicaid Services, 2020–Medicare Current Beneficiary Survey; Centers for Medicare & Medicaid Services, 2023; Federal Reserve Bank of Atlanta–Policy Rules Database; Federal Highway Administration, 2017; Feeding America, 2023; Frank, 2022; Internal Revenue Service, 2022; Medicare.gov; The Zebra, 2022; U.S. Department of Agriculture, 2022–Official USDA Food Plans; U.S. Department of Housing and Urban Development, 2022–Fair Market Rents; USTelecom, 2022; Virginia Department of Education, 2023

To view ALICE Household Survival Budgets for all counties and for any household composition, visit [UnitedForALICE.org/Household-Budgets/Virginia](https://UnitedForALICE.org/Household-Budgets/Virginia).

**Data Notes:** The income data used in this Update rely on ACS estimates. The ACS is based on a representative sample, rather than all housing units and people; therefore, these estimates have a [degree of uncertainty](#). Some data points are geographic averages, others are one- or five-year averages depending on population size (see the [Data Sheet](#) for details). Percentages are rounded to whole numbers, sometimes resulting in percentages totaling 99% or 101%. ALICE analysis includes households regardless of work status, as employment is fluid and most households have members who are working, have worked, are out on disability, or are looking for work. ALICE analysis does not include people who are unhoused or living in group quarters.

# ABOUT UNITED FOR ALICE AND OUR PARTNERS

*ALICE in the Crosscurrents: An Update on Financial Hardship in Virginia* is brought to you by the [United Ways in Virginia](#) in partnership with [United For ALICE](#), a driver of innovative research and action around financial hardship for ALICE households. With a commitment to [racial and economic justice](#), United For ALICE and United Ways across Virginia share this work with foundations, government, corporations, and other nonprofits to inform policy and promote positive change for ALICE households. The grassroots ALICE movement, developed by United Way of Northern New Jersey, has spread to 31 states and the District of Columbia. Learn more about the ALICE movement [here](#).

To create the ALICE Reports, our [team of researchers](#) works with [Research Advisory Committees](#) composed of experts from our partner states. This work is guided by our rigorous [methodology](#), which is updated biennially with experts from across our Research Advisory Committees.

United For ALICE partners with the United Ways of Virginia to bring this research to Virginia and this work is partly sponsored by them and United Way of South Hampton Roads, Atlantic Union Bank, Compare.com, and the Virginia Foundation for Community College Education.



United Ways of Virginia



United Way  
of South Hampton Roads



To learn more about how you can get involved in advocating and creating change for ALICE in Virginia, contact: **Sarah Walsh** at [swalsh@rappahannockunitedway.org](mailto:swalsh@rappahannockunitedway.org).

To access interactive ALICE data and resources for Virginia, go to [UnitedForALICE.org/Virginia](https://UnitedForALICE.org/Virginia).

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# ALICE IN THE CROSSCURRENTS



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United Ways of Virginia

# ABOUT UNITED FOR ALICE AND OUR PARTNERS

*ALICE in the Crosscurrents: COVID and Financial Hardship in Virginia* is brought to you by [United Ways of Virginia](#) in partnership with [United For ALICE](#), a driver of innovative research and action around financial hardship for **ALICE** (Asset Limited, Income Constrained, Employed) households. With a commitment to [racial and economic justice](#), United For ALICE and United Ways across Virginia share this work with foundations, government, corporations, and other nonprofits, to inform policy and promote positive change for ALICE households. The grassroots ALICE movement, developed by United Way of Northern New Jersey, has spread to 27 states and the District of Columbia. Learn more about the ALICE movement [here](#).

To create the ALICE Reports, our [team of researchers](#) works with [Research Advisory Committees](#) composed of experts from partner states. This work is guided by our rigorous [methodology](#), which is updated biennially with experts from across our Research Advisory Committees.

United For ALICE partners with the United Ways of Virginia to bring this research to Virginia and this work is partly sponsored by them and United Way of South Hampton Roads, Atlantic Union Bank, Compare.com, and the Virginia Foundation for Community College Education.



United Ways of Virginia



To learn more about how you can get involved in advocating and creating change for ALICE in Virginia, contact: Sarah Walsh at [swalsh@rappahannockunitedway.org](mailto:swalsh@rappahannockunitedway.org)

To access interactive ALICE data and resources for Virginia, go to [UnitedForALICE.org/Virginia](https://UnitedForALICE.org/Virginia)

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# ALICE RESEARCH IN A TIME OF CHANGE

This ALICE Report provides the first look at the extent of financial hardship in Virginia using ALICE metrics since the COVID-19 pandemic began. The pandemic has disrupted longstanding patterns in how and where people live, work, study, save, and spend their time. And the story of ALICE and the pandemic is still unfolding as this Report is being written, amid an ongoing health crisis and an economic and public policy landscape that continues to shift. In a time of change, United For ALICE remains committed to providing the most up-to-date local data possible on financial hardship in Virginia and across the U.S.

Two pillars of the ALICE measures are household costs and income. The **Household Survival Budget** calculates the cost of household essentials for each county in Virginia and relies on a wide range of sources for the budget items of housing, child care, food, transportation, health care, and a smartphone plan, plus taxes.

For household income, the ALICE measures rely on the U.S. Census Bureau's American Community Survey (ACS). The ACS experienced such significant [disruption in data collection](#) in 2020 that the Census Bureau released only experimental estimates, which are not included in our analysis. By 2021, standard Census data collection had resumed.

Household costs are compared to household income to determine if households are **below the ALICE Threshold**. This includes both households in **Poverty**, with income below the Federal Poverty Level (FPL), and those that are **ALICE**, with income above the FPL but below the cost of basics.

Our standard ALICE data is based on the ACS — both [household tabulated data](#) and individual data from

## KEY TERMS

- **ALICE:** Asset Limited, Income Constrained, Employed — households that earn above the Federal Poverty Level (FPL) but cannot afford the basic cost of living in their county. Despite struggling to make ends meet, ALICE households often do not qualify for public assistance.
- **ALICE Threshold of Financial Survival:** Derived from the Household Survival Budget, the minimum average income that a household needs to afford housing, child care, food, transportation, health care, and a smartphone plan, plus taxes. Calculated for all U.S. states and counties.
- **Below ALICE Threshold:** Includes people in poverty-level and ALICE households combined.

the [Public Use Microdata Sample](#) (PUMS) records. In addition, this Report includes our analysis of two surveys that capture the experiences of a nationally representative sample of households during the pandemic:

- [Federal Reserve Board's Survey of Household Economics and Decisionmaking \(SHED\)](#), October 2019; November 2020; and November 2021
- [U.S. Census Bureau's COVID-19 Household Pulse Survey \(Household Pulse Survey\)](#), August 19–August 31, 2020; September 14–November 14, 2022; and December 9–December 19, 2022

Learn more about our methodology at: [UnitedForALICE.org/Methodology](https://UnitedForALICE.org/Methodology)

**Data Notes:** The data used in this Report are estimates; some are geographic averages, others are one- or five-year averages depending on population size. Percentages are rounded to whole numbers, sometimes resulting in percentages totaling 99% or 101%. ALICE analysis includes all households, regardless of work status, as employment is fluid and most households have members who are working, have worked, or are looking for work.

# THE ALICE HOUSEHOLD SURVIVAL BUDGET

The ALICE Household Survival Budget is the foundation of the ALICE research. This budget calculates the bare-minimum cost of the household basics needed to live and work in the modern economy by household composition, in every county.

When compared to the more accurate cost of living included in the Household Survival Budget, the Federal Poverty Level (FPL) is drastically inadequate. Unlike the ALICE budgets, the FPL is not based on the cost of contemporary household necessities, and except for Alaska and Hawai'i, it is not adjusted to reflect cost-of-living differences across the U.S. Nor does it adjust for different ages of household members. The FPL is increased annually based on the Bureau of Labor Statistics' (BLS) Consumer Price Index (CPI), and those increases are the same for all U.S. households of a given size. By contrast, the actual household costs in the Survival Budget have increased at different rates

depending on location, household size, and household composition.

Yet despite its inadequacies, the FPL continues to be the standard for determining the number and proportion of people living in poverty in the U.S. **With the FPL as the primary way for policymakers and local stakeholders to gauge the extent of financial hardship in their communities, a huge portion of struggling U.S. households go unrecognized.**









Across Virginia, for all household sizes and in all locations, the FPL is well below the Household Survival Budget. In 2021, the FPL was \$26,500 for a family of four. In contrast, Figure 1 shows that the average cost of living for a family of four in Virginia was \$70,788, more than two times higher than the FPL, and average household costs for a single adult were also substantially higher.

**Figure 1. ALICE Household Survival Budget and Federal Poverty Level, Virginia, 2021**

	<b>Federal Poverty Level</b> <i>Census income thresholds that vary by household size but not geography to determine who is in poverty</i>	<b>ALICE Household Survival Budget</b> <i>The cost of the essentials needed to live and work in the modern economy, by household type and location</i>
<b>Family of Four</b>		
Monthly Total	\$2,208	\$5,899
Annual Total	\$26,500	\$70,788
Percent Change, 2019–2021	3%	7%
<b>Single Adult</b>		
Monthly Total	\$1,073	\$2,543
Annual Total	\$12,880	\$30,516
Percent Change, 2019–2021	3%	11%

Note: Percent change is pre-tax.

Sources: ALICE Household Survival Budget, 2021; Assistant Secretary for Planning and Evaluation (ASPE), HHS poverty guidelines for 2021, U.S. Department of Health and Human Services

ALICE Household Survival Budget		Average Monthly Costs, Virginia, 2021	
	Description, Update, and Sources	One Adult	Family of Four
<b>Housing</b> 	<b>Rent:</b> Fair Market Rent (40 <sup>th</sup> percentile) for an efficiency, one-bedroom, or two-bedroom apartment (based on family size), adjusted in metro areas using the American Community Survey (ACS) – minus utilities <b>Utilities:</b> As captured by the Community Expenditure Survey (CEX) <b>Update:</b> Costs of rent and utilities are now shown separately. <b>Sources:</b> ACS metro housing costs and U.S. Department of Housing and Urban Development (rent); CEX (utilities)	\$762 rent + \$154 utilities	\$879 rent + \$292 utilities
<b>Child Care</b> 	Cost for registered Family Child Care Homes for infants (0–2 years), preschool-age (3–4), and school-age children (5–12) <b>Source:</b> Virginia Department of Social Services, 2018	\$ -	\$1,204
<b>Food</b> 	USDA Thrifty Food Plan by age with county variation from Feeding America <b>Update:</b> A <a href="#">change in legislation</a> requires the USDA Thrifty Food Plans to reflect the cost for resource-constrained households to purchase a healthy, practical diet, starting in 2021, increasing costs from prior years. <b>Sources:</b> Feeding America; U.S. Department of Agriculture (USDA)	\$430	\$1,172
<b>Transportation</b> 	Operating costs for a car (average daily miles by age, cost per mile, license, fees, and insurance), or public transportation where viable <b>Update:</b> The decline in public transportation use during the pandemic <a href="#">reduced the average expenditure</a> , yet the cost for workers who had to use it to commute remained the same. To reflect this, the budget uses 2019 average CEX spending. <b>Sources:</b> AAA, Federal Highway Administration, The Zebra (car); CEX (public transportation)	\$324	\$789
<b>Health Care</b> 	Health insurance premiums based on employer-sponsored plans plus out-of-pocket costs for households with \$40,000–\$69,000 annual income by age, weighted with the poor-health multiplier. For the senior budget, cost of Medicare Part A and B, out-of-pocket costs, plus average out-of-pocket spending for the top five chronic diseases as reported by CMS. <b>Sources:</b> Centers for Medicare and Medicaid Services (CMS); CEX (health); Medical Expenditure Panel Survey (MEPS)	\$230	\$927
<b>Technology</b> 	Smartphone plan with 10GB of data for each adult in a household <b>Update:</b> Costs were upgraded from a 5GB to a 10GB monthly data plan to reflect the increased need for internet access. <b>Source:</b> Consumer Reports	\$75	\$110
<b>Miscellaneous</b> 	Cost overruns estimated at 10% of the budget, excluding taxes, to cover one-time unanticipated costs within the other categories	\$198	\$537
<b>Taxes</b> 	Federal, state, and local taxes owed on the amount of income to cover the Survival Budget, as well as tax credits, including the Child Tax Credit (CTC) and the Child and Dependent Care Tax Credit (CDCTC) <b>Update:</b> Due to the significant effect of the expanded tax credits in 2021, total taxes before credits and the credits are both listed. <b>Sources:</b> Internal Revenue Service; Tax Foundation	\$370	\$1,156 Tax before CTC and CDCTC  -\$1,167 CTC and CDCTC
<b>Monthly Total</b>		<b>\$2,543</b>	<b>\$5,899</b>

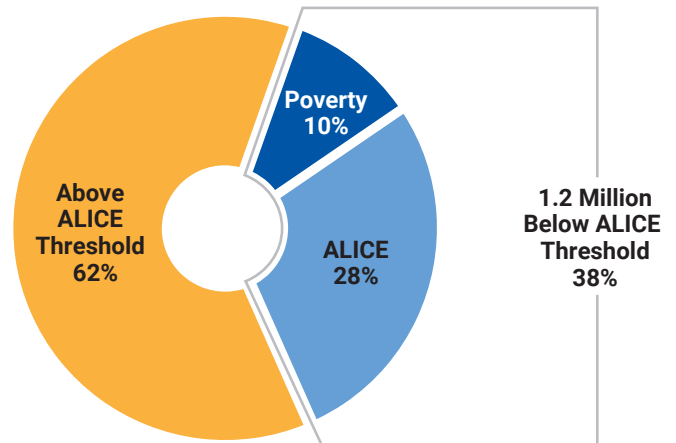
To see the Household Survival Budget for other household compositions at the state and county levels, go to [UnitedForALICE.org/Household-Budgets/Virginia](https://UnitedForALICE.org/Household-Budgets/Virginia).

# ALICE IN VIRGINIA: EXECUTIVE SUMMARY

The number of households in financial hardship in Virginia continues to be undercounted in official measures.

According to the FPL, 10% of households in Virginia (338,028) were in poverty in 2021. Yet [United For ALICE](#) data shows that another 28% (911,704 households) – more than twice as many – were **ALICE** (Asset Limited, Income Constrained, Employed). ALICE households earn above the FPL, but not enough to afford the basics in the communities where they live.

The reality is that of the 3.3 million households in Virginia, 1,249,732 – 38% – had income below the [ALICE Threshold of Financial Survival](#) in 2021. These included both households in poverty and ALICE households.



The crux of the problem is a mismatch between earnings and the cost of basics. For example, 45% of cashiers (one of the most common occupations in Virginia) were below the ALICE Threshold in 2021. These workers earned a median hourly wage of \$11.15 – not even enough to cover the ALICE Household Survival Budget for one worker employed full time (\$15.26 per hour), much less for a family with two children, even with two adults working (combined wage of \$35.39 per hour). Between 2019 and 2021, the cost of basics increased in Virginia and remained well above the FPL. For a family of four in 2021, the FPL was \$26,500 while the **ALICE Household Survival Budget** was \$70,788. Between 2019 and 2021, the average annual costs (excluding taxes) increased 11% for a single adult, 9% for a single senior, and 7% for a family of four.

ALICE Household Survival Budget, Virginia Average, 2021			
	Single Adult	Single Senior	2 Adults, 1 Infant, 1 Preschooler
<b>Monthly Costs</b>			
Housing – Rent	\$762	\$762	\$879
Housing – Utilities	\$154	\$154	\$292
Child Care	-	-	\$1,204
Food	\$430	\$397	\$1,172
Transportation	\$324	\$279	\$789
Health Care	\$230	\$506	\$927
Technology	\$75	\$75	\$110
Miscellaneous	\$198	\$217	\$537
Tax Before Credits	\$370	\$424	\$1,156
<b>Monthly Total</b>	<b>\$2,543</b>	<b>\$2,814</b>	<b>\$7,066</b>
<b>ANNUAL TOTAL Before Credits</b>	<b>\$30,516</b>	<b>\$33,768</b>	<b>\$84,792</b>
Tax Credits (CTC and CDCTC)	-	-	(\$14,004)
<b>ANNUAL TOTAL with Credits</b>	<b>\$30,516</b>	<b>\$33,768</b>	<b>\$70,788</b>
<b>Full-Time Hourly Wage</b>	<b>\$15.26</b>	<b>\$16.88</b>	<b>\$35.39</b>

Note: CTC = Child Tax Credit, CDCTC = Child and Dependent Care Tax Credit. Percent change is pre-tax. Full-time hourly wage represents the wage needed at 40 hours per week to support the annual total, with credits. For the family of four, this represents the combined wage needed for two workers. Many households incur higher costs, especially for housing, as units may not be available at Fair Market Rent. To view ALICE Household Survival Budgets for all counties and for any household composition, visit [UnitedForALICE.org/Household-Budgets/Virginia](https://www.unitedforalice.org/Household-Budgets/Virginia)

Sources: AAA, 2021; Agency for Healthcare Research and Quality, 2021; American Community Survey, 2021; Bureau of Labor Statistics, 2021 – Consumer Expenditure Surveys; Bureau of Labor Statistics, 2021 – Occupational Employment Statistics; Centers for Medicare & Medicaid Services, 2021 – Medicare - Chronic Conditions; Centers for Medicare & Medicaid Services, 2021 – Medicare Current Beneficiary Survey; Centers for Medicare & Medicaid Services, 2021; Federal Highway Administration, 2017; Feeding America, 2022; Fowler, 2021; Internal Revenue Service, 2021; Internal Revenue Service – FICA, 2021; Medicare.gov; Scarborough, 2021; Tax Foundation, 2021; The Zebra, 2022; U.S. Department of Agriculture, 2021 – Official USDA Food Plans; U.S. Department of Housing and Urban Development, 2021 – Fair Market Rents; Virginia Department of Social Services, 2018; Walczak, 2021.

This Report details the impact of competing economic forces and public policy interventions during the pandemic on ALICE households in Virginia in 2021. It also presents research showing that the impact of the pandemic on financial security continued beyond 2021.

## Key findings include:

- **Financial hardship over time:** ALICE households are especially vulnerable to national economic disruptions. The number of households below the ALICE Threshold in Virginia increased dramatically after the Great Recession (2007–2010), peaking in 2012, then tapering down through 2019 — and then the pandemic hit. From 2019 to 2021, the total number of households increased by 4% and the number of households below the ALICE Threshold increased by 3%.
- **Demographics:** There are households below the ALICE Threshold across all demographic groups. However, disparities exist in the rates of financial hardship due to [persistent racism](#), [ageism](#), [gender discrimination](#), and [geographic barriers](#) that limit many families' access to resources and opportunities for financial stability. For example, by race/ethnicity, 52% of Black and 44% of Hispanic households were below the ALICE Threshold in Virginia in 2021, compared to 34% of White households. By age of householder, the youngest (under age 25) and oldest (age 65+) households faced the highest rates of hardship. And by household composition, single-parent families with children were more likely to be below the Threshold than married-parent households or single/cohabiting households without children.
- **Work and wages:** Of the 20 most common occupations in Virginia in 2021, 60% paid less than

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\$20 per hour. Most of these saw an increase in the median wage; for example, the median wage for stockers and order fillers increased by 12% from 2019 to 2021, to \$14.25 per hour. But given that wages had stagnated for a decade, many top jobs still had a substantial percentage of workers who lived below the ALICE Threshold in 2021.

- **Pandemic assistance:** Public assistance programs were temporarily expanded in 2021, but not enough to bring most households below the ALICE Threshold to financial stability. In Virginia, a family of four with two parents working full time in two of the most common occupations (retail salesperson and cashier) could not afford the Household Survival Budget in 2021, even with the expanded Child Tax Credit, the Child and Dependent Care Tax Credit, and the Economic Impact Payments.
- **Savings and assets:** In 2021, savings rates differed by income in Virginia. According to SHED, only 44% of households below the ALICE Threshold had emergency savings or rainy day funds in November 2021 compared to 79% of households above the Threshold. There were similar differences in rates of retirement savings for households below and above the Threshold in 2021: 51% of households below the Threshold had retirement savings vs. 75% for those above.
- **Beyond 2021:** With pandemic assistance waning while significant challenges remain, there are warning signs that the economic situation for households below the ALICE Threshold has worsened since 2021, including higher levels of food insufficiency, feelings of anxiety and depression, continued difficulty paying bills, medical debt, and lack of savings.

# THE COMPETING FORCES OF THE COVID ECONOMY

Competing economic forces and public policy interventions have made it difficult to predict the net impact of the pandemic on household financial stability. When the pandemic hit, businesses, child care providers, schools, and community services closed, some permanently; others went remote for months. [The loss of jobs and wages was not experienced equally](#); those who could work remotely fared better than those who were required to be on-site. Initially, costs for many basics declined, but disruptions to the [supply chain and higher wages](#) to retain workers then [pushed prices up](#) – by 7.5% annually across the U.S. in 2021, compared to less than 3% annually in the [prior 10 years](#) – straining ALICE households even more.

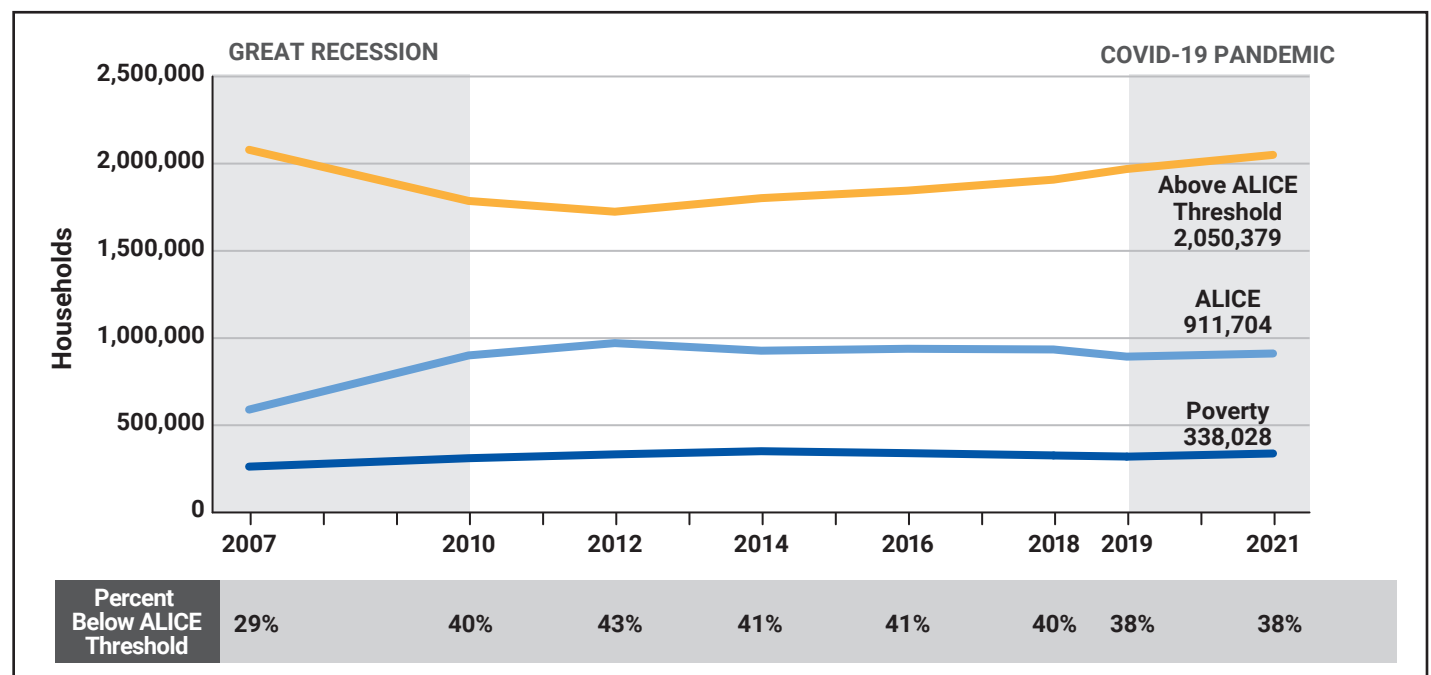
At the same time, there were forces that provided economic benefits for many households. In 2021, [average weekly wages](#) across all industries in Virginia were up 4.3% from 2020, and up 5.6% nationally (the second-fastest national increase in the past two decades). In addition, [emergency pandemic measures](#) and [economic policies](#) provided critical support for ALICE families,

including housing assistance, expanded unemployment insurance, stimulus checks, enhanced tax credits, and a nationwide eviction moratorium. These measures made a difference, helping to mitigate, but not prevent, the economic impact of the pandemic.

Rates of financial hardship in Virginia have shifted over time (Figure 2). During the last major economic disruption – the Great Recession – the percentage of Virginia households below the ALICE Threshold increased from 29% in 2007 to 40% in 2010.

During the pandemic, by comparison, rates of financial hardship remained flat at 38% from 2019 to 2021. These steady levels came on the heels of a decade-long recovery from the Great Recession: The number of households in poverty and ALICE combined peaked in 2012, then began to taper down through 2019. From 2019 to 2021, the total households in Virginia increased by 4% and the number of households below the ALICE Threshold increased by 3% (from 1,213,684 to 1,249,732). Yet the rate of financial hardship remained unchanged.

**Figure 2. Households by Income, Virginia, 2007–2021**



Sources: ALICE Threshold, 2007–2021; U.S. Census Bureau, American Community Survey, 2007–2021

# THE IMPACT OF THE COVID ECONOMY ON... ALICE DEMOGRAPHICS AND EQUITY

While the overall rate of financial hardship remained flat in Virginia from 2019 to 2021, the impact of competing forces played out differently across demographic groups (Figure 3). In many cases, the pandemic exposed and exacerbated disparities and vulnerabilities that have long existed in our society, with substantial differences in rates of hardship by race/ethnicity, age, and household composition.

In Virginia in 2021, Black households, young households, and single-parent households had the highest rates below the ALICE Threshold. White households, working-age households, and married-parent households had the lowest rates below the Threshold.

Rates of financial hardship differed significantly between groups, a result of [persistent racism](#), [ageism](#), [gender discrimination](#), and [geographic barriers](#) that limit many families' access to resources and opportunities for financial stability:

- The largest racial/ethnic groups in Virginia account for the largest number of households below the ALICE Threshold. In 2021, the largest number of households below the Threshold in Virginia were White (721,676), comprising 34% of White households. Only Asian households had a lower percentage of households living in financial hardship, at 29%. And while the number of struggling households was lower for other

groups, the percentage of households was disproportionately high. For example, 52% (324,663) of Black households and 44% (102,051) of Hispanic households were below the Threshold.

- By age of householder, the youngest and the oldest households had the highest rates of hardship, with 71% of households headed by someone under age 25 and 48% of senior households (age 65+) living below the Threshold in Virginia. By comparison, 34% of households headed by people age 25–44 and 31% of households headed by those age 45–64 were below the Threshold.
- By household composition, single parents were most likely to be below the ALICE Threshold, with 72% of single-female-headed households and 55% of single-male-headed households struggling to make ends meet in 2021. Rates of financial hardship were lower for married-parent households (17%) and single/cohabiting households without children (36%).
- By location, the rate of financial hardship was higher in predominantly rural counties (47%) compared to urban counties (37%).

Figure 3 paints a clear picture of the rates of hardship for different demographic groups compared to the Virginia average. For all households in the state, 10% were in poverty and 28% were ALICE in 2021.

Figure 3. Household Financial Status and Key Demographics, Virginia, 2021

	Total	Below ALICE Threshold	■ Poverty ■ ALICE ■ Above ALICE Theshold
<b>ALL HOUSEHOLDS</b>	3,300,111	1,249,732	10% 28% 62%
<b>AGE</b>			
Under 25 Years	117,686	83,591	33% 38% 29%
25 to 44 Years	1,094,662	373,458	10% 24% 66%
45 to 64 Years	1,238,387	383,014	9% 22% 69%
Seniors (65+)	849,376	409,669	10% 39% 52%
<b>RACE/ETHNICITY</b>			
American Indian/ Alaska Native	8,068	3,584	10% 34% 56%
Asian	188,524	54,005	6% 23% 71%
Black	618,886	324,663	13% 40% 48%
Hispanic	233,029	102,051	6% 38% 56%
Native Hawaiian/ Pacific Islander	1,777	666	13% 24% 63%
Two or More Races	147,012	55,577	8% 30% 62%
White	2,134,769	721,676	7% 27% 66%
<b>HOUSEHOLD TYPE</b>			
Married With Children	635,072	107,343	5% 12% 83%
Single-Female- Headed With Children	186,004	133,570	36% 36% 28%
Single-Male-Headed With Children	66,163	36,417	16% 39% 45%
Single or Cohabiting, Under 65, no Children	1,563,496	562,733	10% 26% 64%
<b>URBAN/RURAL</b>			
Rural	402,821	190,400	16% 31% 53%
Urban	2,897,290	1,059,332	9% 27% 63%

Note: The groups shown in this figure overlap across categories. Within the race/ethnicity category, all racial categories except Two or More Races are for one race alone. Race and ethnicity are overlapping categories; in this Report, the American Indian/Alaska Native, Asian, Black, Native Hawaiian (includes other Pacific Islanders), and Two or More Races groups may include Hispanic households. The White group includes only White, non-Hispanic households. The Hispanic group may include households of any race. Because household poverty data is not available for the American Community Survey's race/ethnicity categories, annual income below \$15,000 is used as a proxy. Counties are defined as rural or urban based on the USDA's designation of metropolitan or non-metropolitan at the census tract level. Counties with 50% or more of the population in metropolitan tracts are designated as urban; those with 50% or more of the population in non-metropolitan tracts are designated as rural.

Sources: ALICE Threshold, 2019 and 2021; American Community Survey, 2019 and 2021

# Changes in Population and Financial Hardship (2019–2021)

In the decade preceding the pandemic, population growth in the U.S. had started to slow due to a decrease in the number of births and international migration, and an increase in deaths associated with the aging population. The pandemic [exacerbated the national slowdown](#), and in 2021 population growth in the U.S. reached a [historic low](#) due to a sharp increase in COVID-related deaths, postponement of having children, and more restrictive policies on immigration.

The pandemic also affected domestic migration, which contributed to population shifts nationally and in Virginia. Between 2020 and 2021, the percentage of the [population that moved](#) from one residence to another within the U.S. dropped from 9.3% to 8.4%. People moved for a [variety of reasons](#), which included relocating to places where the cost of living was lower (especially for [housing](#) and [taxes](#)), and/or to [less densely populated locations](#).

The pandemic also impacted where people lived in Virginia, who they lived with, and the demographics of households.

**Location:** In Virginia from 2019 to 2021, Goochland County had the largest percentage increase in the total number of households, along with the following cities: Manassas Park, Portsmouth, Richmond, and Suffolk. Counties with the biggest percentage decrease in total

households were Buchanan, Craig, and Greensville County. Amelia and Hanover counties had the biggest increase in the share of households below the ALICE Threshold, while Manassas Park City had the biggest decrease.

Overall, the number of households in predominantly urban counties increased across Virginia (4%), while the number of households in predominantly rural counties decreased by just 1%. The rate of financial hardship was higher in rural counties (47%) compared to urban counties (37%).

**Age:** Rates of financial hardship increased for all age groups in Virginia from 2019 to 2021. The overall number of youngest households (under age 25) increased 15%, while senior households increased by 5%. The youngest households had the highest rate of financial hardship in 2021, with 71% of households below the Threshold, down from 75% in 2019. In comparison, the rate of hardship for seniors grew from 46% below the ALICE Threshold in 2019 to 48% in 2021.

**Household composition:** Single-female-headed households with children had the highest rates of financial hardship in Virginia in 2021 (72%), down slightly from 75% in 2019. The percentage of single-male-headed households also dropped slightly from 57% in 2019 to 55% in 2021. Married parents with children had the lowest rates of financial hardship in 2021 (17%), down slightly from 2019 (18%). For single/cohabiting households without children, 36% of households lived below the Threshold in 2021, down slightly from 37% in 2019.

## URBAN AND RURAL CHANGE IN VIRGINIA (2019–2021)

- 1% decrease in total number of households in rural counties
- 4% increase in total number of households in urban counties

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**Race/ethnicity:** This Report is not able to accurately capture change over time by race/ethnicity in the total number or share of households below the ALICE Threshold. Starting in 2020, the U.S. Census Bureau changed how it asks about and codes [data on race and Hispanic origin](#). These changes help the Census and ACS provide a more complete picture of the U.S. population, especially for people who self-identify as multiracial or multiethnic. But as a result, the [Census urges caution](#) when comparing race data between years before and after 2020. For example, in Virginia, the huge increase in the Census count of people of [Two or More Races](#) (also referred to now as Multiracial) – an increase of 108% from 2019 to 2021 – is a combination of actual growth in this population and improvements to Census questions and coding. (Note: The number of Multiracial households below the ALICE Threshold also increased at a high rate, by 81%).

**Immigration:** The pandemic not only imposed new barriers to international migration but also had a significant impact on immigrant communities across the U.S. According to the [Migration Policy Institute](#), as a result of immigration center processing delays and bans on international travel, the number of visas issued in the U.S. dropped by half between 2019 and 2020. In Virginia in 2021, 13% of the population were immigrants, slightly more than in 2019 (12%), with the largest number of immigrants originating from El Salvador, India, and Mexico. In Virginia, in 2021, Fairfax County had the largest number of immigrants, followed by Prince William County and Loudoun County.

## ALICE DATA ONLINE

Visit [UnitedForALICE.org/Virginia](https://UnitedForALICE.org/Virginia) to see interactive maps and data on:

- Financial hardship over time at the state and county levels
- State and county ALICE demographics
- ALICE household budgets
- The labor landscape in Virginia

# THE IMPACT OF THE COVID ECONOMY ON... WORK AND WAGES

Overall, in 2021, the labor market was rebounding from the record-breaking unemployment and [drop in total employment](#) that occurred at the start of the pandemic. The unemployment rate in Virginia was 3.9%, in stark contrast to the rate at the height of the pandemic (11.6% in April 2020). In addition, [average weekly wages](#) across all industries in Virginia increased 4.3% from 2020 to 2021. This was driven by a state-level [minimum wage increase](#) and the increased demand for [essential workers](#), as well as by "[The Great Resignation](#)" – while some workers left the labor force, over time many more changed jobs to find better pay as well as work-life balance.

It was also a unique year for low-wage jobs and workers, in particular. In 2021, low-wage workers across the country experienced [faster wage growth than middle- and high-wage workers](#), although from a much lower starting point. Research from [Opportunity Insights](#) shows that the number of low-wage jobs fell in Virginia: In December 2021, there were 22.5% fewer jobs paying less than \$29,000 per year than at the start of the pandemic – some became higher-paying jobs, others went away altogether.

[State Unemployment Insurance](#) (UI) helps individuals who lost jobs – before, during, and after the pandemic. In 2021, \$468 million was paid to individuals under Virginia's regular unemployment insurance program,

and an additional \$1.9 million was paid in Extended Unemployment Benefits, available during periods of specified high unemployment.

During the pandemic, these standard UI benefits were expanded by the [Cares Act, the American Rescue Plan, and the Continued Assistance Act](#), which included [four temporary programs](#). The most utilized was the Federal Pandemic Unemployment Compensation (FPUC) program, which provided a \$300 weekly supplement to all UI benefits (down from the \$600 weekly supplement included in the original 2020 authorization). Additional programs extended the weeks of eligibility for people who exhausted regular UI benefits, and expanded eligibility to people who were not otherwise eligible for UI benefits (including workers who were self-employed, independent contractors, or gig economy workers). Temporary UI measures enacted in response to the COVID-19 pandemic ended nationally and in Virginia in [September 2021](#).

For low-wage workers, the increases in wages and UI benefits were important developments during the pandemic. But they are only part of the story; ALICE workers still faced significant challenges:

- Better pay and work opportunities were helpful, but not enough to recoup years of being squeezed by the increasing cost of basics, especially for those who struggled to secure full-time employment.

## THE ALICE ECONOMIC VIABILITY DASHBOARD – COMING FALL 2023

The Economic Viability Dashboard (EVD) will provide key data on the local economic conditions that matter most to ALICE households: Housing Affordability, Job Opportunities, and Community Resources. The EVD mapping, profile, and comparison features will help stakeholders identify the gaps that ALICE workers and families face in reaching financial stability. Then, the Action Toolkit puts that data to use by quantifying gaps and pairing them with promising solutions.

As documented in the [ALICE Essentials Index](#), the cost of essential goods had already been outpacing wages for more than a decade, stretching ALICE workers' household income even further.

- Many frontline and essential jobs became [hazardous and difficult](#) during the pandemic. In addition to increased exposure to COVID-19, many workers were required to work more days and hours, skip lunch and breaks, stand for hours, and work while sick. Others were [gig workers](#), forced to work more hours to fill income gaps. Without protective gear, health insurance, or even sick days, there were [increases in mortality](#) compared with previous years, especially for food- and agriculture-sector workers.
- Underemployment became an increasing problem. Many workers were unable to work full time due to family responsibilities, being in school or training, illness, disability, or child care problems. Others were working part time because their hours had been reduced; still others were unable to find full-time jobs. In 2021, in Virginia, the [underemployment rate](#) that captures these workers was 8.1%, higher than before the pandemic (6.2% in 2019), and more than twice the traditional unemployment rate in 2021 (3.9%).
- Many older workers were also forced to [retire earlier than planned](#). Nationally, according to SHED in November 2021, 25% of adults who retired within the year prior to the survey, and 15% of those who reported that they retired one to two years earlier, said factors related to COVID-19 contributed to when they retired.
- Nationally, those most impacted by [unemployment, job disruption](#), and hazardous and difficult working conditions were immigrants and workers who were American Indian/Alaska Native, Black, Hispanic, Native Hawaiian/Pacific Islander, or of Two or More Races.

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## Wages for the Most Common Occupations

In 2021, the impact of the pandemic on workers' wages and wage gains did not translate uniformly across all jobs and sectors in terms of the share of households that were still left below the ALICE Threshold.

Of the 20 most common occupations in Virginia in 2021, 60% paid less than \$20 per hour. Most of these saw an increase in the median wage; for example, the median wage for cooks increased by 9% to \$13.20 per hour in 2021. But given that the wage was low to begin with, many top jobs still had a substantial percentage of workers who lived below the ALICE Threshold in 2021 (Figure 4). The wage to cover the ALICE Household Survival Budget for a single adult was \$15.26 per hour working full time, or for a family with two adults and two children, a combined wage of \$35.39 per hour.

While there were ALICE workers in all sectors, the top occupations with the highest percentage of workers below the ALICE Threshold in Virginia in 2021 were personal care aide, cook, waiter/waitress, nursing assistant, and cashier.

### CHILD CARE WORKERS

The pandemic brought to the forefront the crisis in child care availability and cost. For families with two children in care, child care is often the most expensive item in their budget, even more expensive than housing. Child care workers are the workforce behind the workforce, yet many struggle to make ends meet for their own families: With a median hourly wage of \$11.74 in Virginia in 2021, 43% were below the ALICE Threshold. And with staffing and demand fluctuations, many child care providers went out of business during the pandemic. Lack of care remains an [obstacle for working parents](#).

Figure 4. Top Occupations, Employment, Wages, and Percentage Below ALICE Threshold, Virginia, 2021

Occupation	Total Employment (BLS)	Median Hourly Wage (BLS)	Percent Median Wage Change From 2019 (BLS)	Percent Workers Below ALICE Threshold (ACS PUMS)
Fast Food and Counter Workers	98,160	\$11.06	14%	35%
Retail Salespersons	97,800	\$13.62	17%	36%
Cashiers	88,460	\$11.15	6%	45%
General and Operations Managers	80,330	\$52.26	-11%	13%
Driver/Sales Workers and Truck Drivers	78,580	\$19.85	9%	31%
Office Clerks	71,070	\$17.79	11%	27%
Stockers and Order Fillers	70,610	\$14.25	12%	40%
Software Developers	68,250	\$61.36	N/A	6%
Customer Service Representatives	67,180	\$17.56	11%	30%
Registered Nurses	66,980	\$36.97	9%	8%
Management Analysts	56,240	\$48.41	3%	4%
Personal Care Aides	55,150	\$11.06	9%	55%
Elementary and Middle School Teachers	54,710	\$32.18	1%	12%
Cooks	51,490	\$13.20	9%	54%
Accountants and Auditors	47,260	\$37.88	2%	8%
Laborers and Movers, Hand	46,190	\$14.57	11%	41%
Waiters and Waitresses	45,360	\$11.50	16%	53%
Bookkeeping, Accounting, and Auditing Clerks	38,220	\$21.75	8%	18%
Office and Administrative Support Supervisors	38,010	\$28.99	6%	16%
Nursing Assistants	36,430	\$14.27	6%	50%

Note: The 2019 median hourly wage for software developers is renamed or missing from the Bureau of Labor Statistics—Occupational Employment Statistics dataset.

Sources: ALICE Threshold, 2021; Bureau of Labor Statistics—Occupational Employment Statistics, 2021; U.S. Census Bureau, American Community Survey, PUMS, 2019 and 2021

To see more data on jobs by hourly wages and full-time, part-time, and hourly work schedules, visit [UnitedForALICE.org/Labor-Force/Virginia](https://UnitedForALICE.org/Labor-Force/Virginia)

# THE IMPACT OF THE COVID ECONOMY ON... PANDEMIC ASSISTANCE

A prominent feature of the federal government's response to the COVID-19 pandemic was a range of direct assistance programs, including:

- Economic Impact Payments (stimulus payments)
- The expanded Child Tax Credit (CTC) and Child and Dependent Care Tax Credit (CDCTC)
- Pandemic-specific unemployment insurance
- Emergency rental assistance

While ALICE households generally earn too much to qualify for traditional forms of public assistance like the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF), almost all ALICE households qualified for the Economic Impact Payments, and ALICE families with children were eligible for the expanded CTC and CDCTC.

Figure 5 shows an example of the impact of pandemic assistance on a household's ability to meet the cost of basics. The figure shows a family of four in Virginia with two parents working full time in two of the most common occupations, retail salesperson and cashier (median wages of \$13.62 and \$11.15 per hour, respectively). This family could not afford the Household Survival Budget in 2021, even with the temporarily increased credits and payments available to them: the CTC (\$3,600 for each child under age 6), the CDCTC (\$4,000 per child in child care), and the Economic Impact Payments (\$2,800 for married couples plus \$1,400 for each child). With both parents working full time, they were not eligible for [Treasury Emergency Rental Assistance](#) (ERA). This family's annual income fell short of the Household Survival Budget by \$12,472, or 17%.

If both parents worked part time (20 hours per week), they could receive ERA to cover their rent, as well as [SNAP](#) and the [Earned Income Tax Credit](#) (EITC), but they would still fall short in meeting the Survival Budget by \$14,040, or 20%.

Additional actions taken by the state of Virginia in response to the pandemic can be found in the National Conference of [State Legislatures' State Action on Coronavirus Database](#).

## Pandemic Timeline

**2020** State Annual [COVID-19 Deaths](#): 4,982

**March 2020** – [National Emergency Declared](#)

Emergency Pandemic Unemployment Insurance (UI) benefits (including [PUA](#), [PEUC](#), [FPUC](#), and [MEUC](#))

States required to keep [Medicaid beneficiaries enrolled](#)

**April 2020** – [Economic Impact Payments](#) of up to \$1,200 per adult for eligible individuals and \$500 per qualifying child

**December 2020** – First [COVID-19 vaccinations](#) receive emergency use authorization from FDA

[Economic Impact Payments](#) of up to \$600 per adult for eligible individuals and up to \$600 per qualifying child

**2021** State Annual [COVID-19 Deaths](#): 10,546

**January to November 2021** – [Emergency rental assistance](#) provided on average \$4,345 to low-income households to pay rent or utility bills

**March 2021** – [Economic Impact Payments](#) of up to \$1,400 for eligible individuals

**July to December 2021** – [Child Tax Credit payments](#) (up to \$300 month per child); temporary [expansion of CTC ended](#) nationally in December

**September 2021** – National end of all [Emergency Pandemic UI benefits](#)

**October 2021** – End of CDC's [eviction moratorium](#)  
CDC approves vaccinations for [children age 5-11](#)

**2022** State Annual [COVID-19 Deaths](#): 7,131

**June 2022** – CDC approves vaccinations for [children under 5 years old](#)

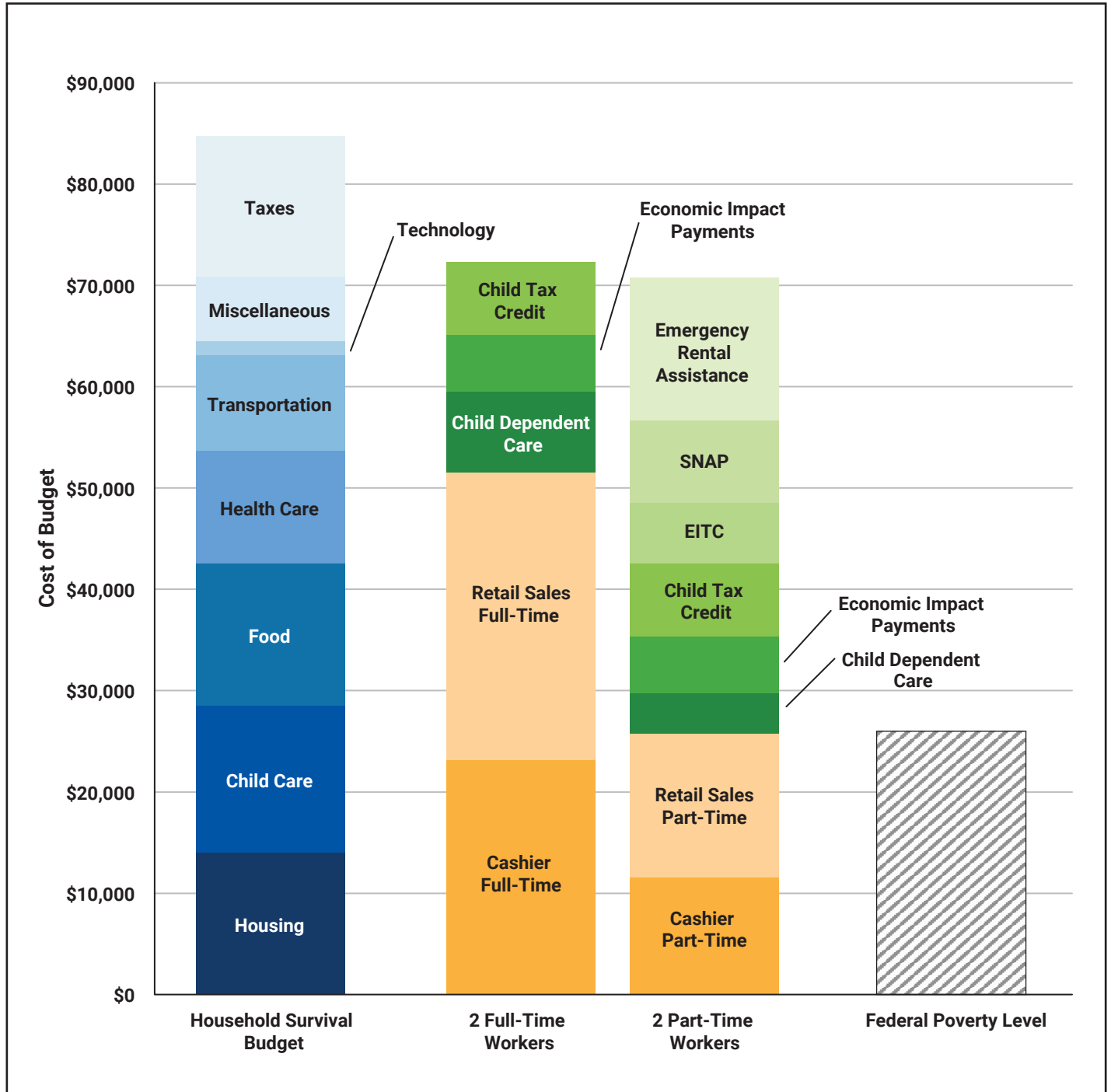
**July 2022** – Federal rental assistance funds depleted in [many states](#)

**October 2022** – [Federal rental assistance funds depleted](#) in Virginia

**2023**

**May 11, 2023** – [Scheduled end](#) of the national emergency and public health emergency

Figure 5. Income and Expenses, Family of Four, Virginia, 2021



Note: Full-time income is calculated based on 40 hours per week; part-time income is based on 20 hours per week.

Sources: ALICE Threshold, 2021; Bureau of Labor Statistics—Occupational Employment Statistics, 2021; Internal Revenue Service, tax credits – CTC, CDCTC, EITC, 2021; USDA, SNAP, 2021; U.S. Treasury, 2022

# Participation in Assistance Programs

Traditional public assistance does not reach all people in households that are struggling financially. Due to [income and assets limits](#), most ALICE households are not able to participate in public assistance; and additional barriers, strict [program requirements](#), and [stigma](#) prevent even households in poverty from participating. In addition, income and asset limits for public assistance can create “[benefits cliffs](#)” that limit economic mobility. In Virginia in 2021:

- With increased food insecurity during the pandemic, the federal [SNAP](#) provided an [emergency allotments option](#) starting in 2020 that increased the amount of SNAP by about \$90 per month per household for an average monthly payment of \$164. Yet because the income eligibility threshold for SNAP was 200% of the FPL in Virginia, the reach of emergency and regular SNAP benefits was limited: 34% of households in poverty and 13% of ALICE households participated in 2021, based on ACS PUMS data. However, it is important to note that while not all financially insecure households are eligible for SNAP, the program reached [just over 70% of eligible households](#) in Virginia.
- The percentage of households below the ALICE Threshold receiving direct cash assistance from programs like [TANF](#) was even smaller (6% of households in poverty and 4% of ALICE households).
- Participation in [SSI](#) — an assistance program only available for people with disabilities and seniors with limited financial resources — was also minimal, with 7% of all households below the ALICE Threshold and 15% of households with a member with a disability below the Threshold participating.

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- To address the increased demands for health care during the pandemic, the federal government provided additional funding to states for Medicare and prohibited states from adding eligibility restrictions or terminating [Medicaid coverage](#) during the public health emergency. In 2021, 38% of all households below the ALICE Threshold in Virginia participated in CHIP or Medicaid.
- Paying for housing expenses was the top concern of households below the ALICE Threshold, as reported in the 2021 ALICE Report [The Pandemic Divide](#). The federal [Emergency Rental Assistance Program](#) was critical in stabilizing millions of households by paying for rent, utilities, and home energy costs. Yet because of the strict requirements to qualify, many households struggling to afford rent were not eligible. Requirements included qualifying for unemployment benefits, experiencing a reduction in income, and one or more household members at risk of homelessness. It is not surprising then that in the fall of 2022, 9% of adult renters in Virginia were not caught up on rent, according to the Household Pulse.

**In contrast, eligibility limits for the well-publicized stimulus payments and tax credits (Economic Impact Payments, CTC, and CDCTC) were well above those for traditional public assistance programs, making them available to most poverty-level and ALICE households.**

However, even qualified households [experienced difficulties](#) getting their payments, especially those who were filing taxes for the first time, those without bank accounts or internet access, as well as families with mixed immigrant status or who were experiencing homelessness.

# THE IMPACT OF THE COVID ECONOMY ON... SAVINGS AND ASSETS

It has been widely reported that U.S. household [savings increased](#) during the pandemic. Yet analysis of the data from the Federal Reserve SHED reveals that the national average conceals different experiences by state and even more so by income level in terms of rainy day funds and retirement assets.

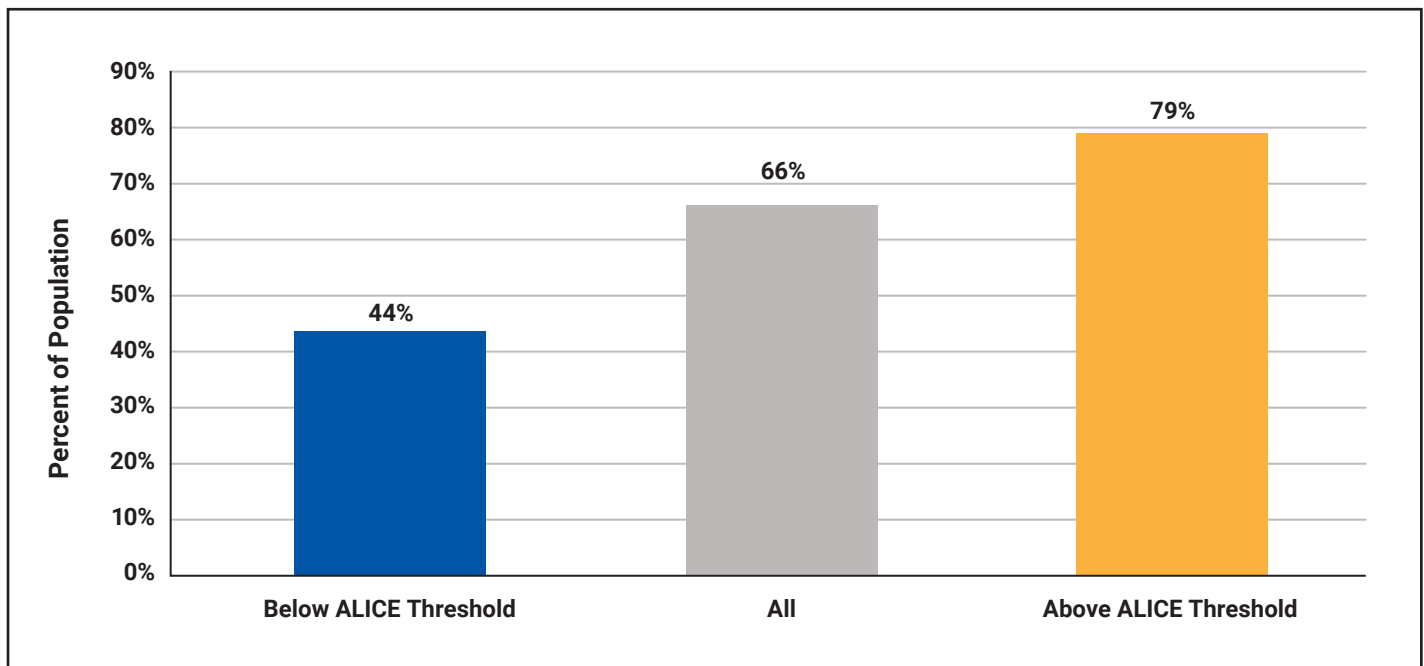
## Rainy Day Funds

One of the best-known questions in the SHED survey asks whether respondents had set aside emergency savings or “rainy day funds” that would cover their expenses for three months in case of sickness, job loss, economic

downturn, or other emergencies. In October 2019, 61% of Virginia respondents reported having these funds; by November 2020, that share had dipped slightly to 58%, but by November 2021 rates improved, surpassing pre-pandemic levels at 66% (Figure 6).

Yet only 39% of respondents below the Threshold in Virginia reported having rainy day funds in October 2019, with the percentage dropping to 38% in November 2020, before rising to 44% by November 2021. In contrast, 73% of those above the Threshold in Virginia had rainy day funds in October 2019, and that share increased to 71% in November 2020 and 79% in November 2021.

**Figure 6. Funds to Cover Three Months’ Expenses by the ALICE Threshold, Virginia, 2021**



Question: Have you set aside emergency or rainy day funds that would cover your expenses for three months in the case of sickness, job loss, economic downturn, or other emergencies?

Sources: ALICE Threshold, 2021; Federal Reserve Board, Survey of Household Economics and Decisionmaking (SHED), November 2021

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Nationally, there were also substantial gaps by income and race/ethnicity in rainy day funds (this data is not available at the state level, but it is likely these disparities were mirrored in Virginia). In 2021, White and Hispanic respondents below the ALICE Threshold had higher rates of emergency savings (42% and 41%, respectively) than Black respondents below the Threshold (32%). Rates were higher overall for respondents above the Threshold, yet gaps remained (77% for White, 71% for Hispanic, and 64% for Black respondents). Each of these racial/ethnic groups made gains during the pandemic, with Hispanic respondents both above and below the Threshold showing the largest increase in emergency savings. From October 2019 to November 2021, the percentage of Hispanic respondents below the Threshold with rainy day funds increased from 28% to 41%; and the percentage of Hispanic respondents above the Threshold with these funds increased from 57% to 71%.

## Retirement Assets

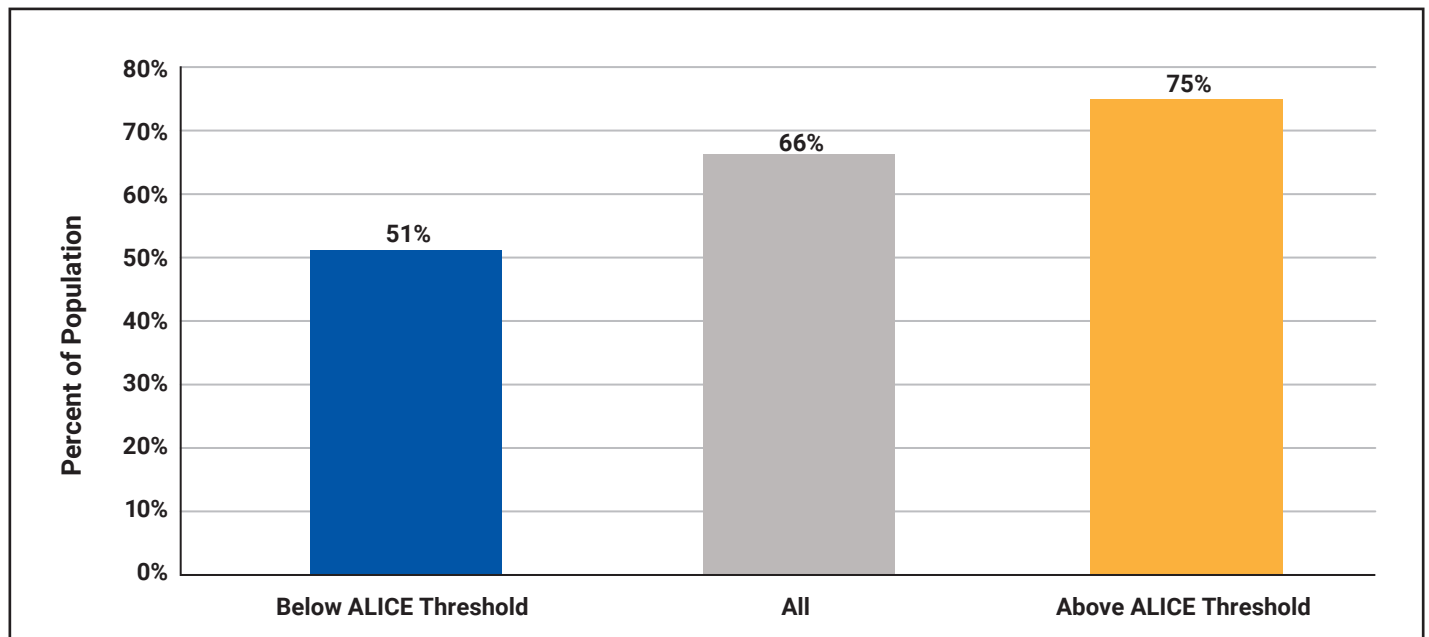
[Retirement assets](#) include 401(k)s, IRAs, pensions, or business or real estate holdings that provide income in

retirement. Overall, 62% of Virginia respondents reported having these funds in October 2019. That rate decreased slightly by November 2020 (to 61%), then increased to 66% by November 2021. Yet these averages conceal a widening disparity in retirement assets between households above and below the ALICE Threshold in Virginia (Figure 7).

Prior to the pandemic, in October 2019, 48% of respondents below the Threshold in Virginia had retirement savings, according to SHED. The rate increased to 51% by November 2021. In October 2019, 70% of respondents above the Threshold in Virginia had retirement assets; the rate increased to 75% by November 2021.

The [CARES Act](#) reduced penalties for early withdrawals from retirement accounts, thus making it easier for households to access retirement. Overall, 8% of non-retired adults in Virginia tapped into their retirement savings in 2021, according to SHED. And according to a [national retirement survey](#), the majority of loans or hardship withdrawals in 2022 were taken by low-income households.

**Figure 7. Retirement Assets by the ALICE Threshold, Virginia, 2021**



Question: Do you currently have each of the following types of retirement savings? Selected at least one: 401(k); IRA; pension; savings outside a retirement account, business, or real estate holding that will provide income in retirement; other retirement savings

Sources: ALICE Threshold, 2021; Federal Reserve Board, Survey of Household Economics and Decisionmaking (SHED), November 2021

# BEYOND 2021: ECONOMIC CHALLENGES AHEAD FOR ALICE

The pandemic timeline shows a contracting economy in 2020 followed by a strong policy response in 2021. The government's broad [pandemic response was effective](#) in preventing the kind of surge in financial hardship that was experienced during the Great Recession.

But 38% of households were still living below the ALICE Threshold in Virginia in 2021. With COVID-19 continuing but pandemic relief benefits expiring, initial data from 2022 suggests that the economic situation has in fact gotten worse for ALICE, which in turn puts the wider economy at risk.

An analysis of recent surveys reveals that households below the ALICE Threshold are still facing food insufficiency, difficulty paying bills, increased medical debt, reduced savings, and feelings of anxiety and depression. These challenges were first reported in [The Pandemic Divide](#), and are updated here with the most recent data from the Household Pulse Survey (through December 2022) and SHED (through November 2021).

These surveys also provide an alarming look at the breakdown of pandemic experiences by race/ethnicity, sex, sexual orientation and gender identity, and disability

status. The differences here are even starker than when looking at income alone, giving credence to concerns that the pandemic is exacerbating racial and other inequities across all facets of life. The analysis reveals that, in particular, Black and Hispanic households, female, and lesbian, gay, bisexual, and transgender (LGBT) households, as well as those that include people with disabilities, have been disproportionately impacted by the pandemic.

## Warning signs:

**!** **Food insufficiency:** ALICE families experiencing food insufficiency are a canary in the coal mine, indicating larger problems beyond food. Shockingly, the rates of food insufficiency have [remained elevated](#) since the beginning of the pandemic. In the August 2020 Household Pulse Survey, respondents below the ALICE Threshold in Virginia were far more likely to report that their household sometimes or often did not have enough food in the prior seven days than respondents above the Threshold (16% vs. 2%); rates remained unchanged by November 2022. Some demographic groups

**Figure 8. Food Insufficiency, Above and Below the ALICE Threshold, Virginia, 2022**

Food Insufficiency			
	Below ALICE Threshold	Above ALICE Threshold	State Average
Black	25%	2%	8%
Hispanic	17%	2%	
Female	17%	3%	
With a Disability	18%	7%	
LGBT	15%	3%	

Question: In the last seven days, which of these statements best describes the food eaten in your household? Selected: Sometimes or often not enough

Note: Black respondents are non-Hispanic; the Hispanic group includes respondents of Hispanic, Latino, or Spanish origin of any race; the "With a Disability" group includes respondents who have one or more vision, hearing, cognitive, mobility, or self-care difficulties; the "LGBT" group includes respondents who identify as gay or lesbian, bisexual, and/or transgender.

Sources: ALICE Threshold, 2021; U.S. Census Bureau, Household Pulse Survey, September 14, 2022–November 14, 2022, Phase 3.6

experienced higher than average food insufficiency (Figure 8). For example, 25% of Black respondents and 18% of respondents with disabilities below the Threshold reported not having enough food compared to 8% of all Virginia households.

For households with children in Virginia, from August 2020 to November 2022, rates of food insufficiency improved slightly for those above the ALICE Threshold and got slightly worse for those below the Threshold: In August 2020, 17% of respondents below the ALICE Threshold reported that often or sometimes their children were not eating enough because they couldn't afford enough food, compared to 5% of those above the Threshold. By November 2022, the rates were 19% for those below vs. 3% for those above the Threshold.

With changes to the emergency pandemic food measures, including the [ending of SNAP emergency allotments](#), many families will need to rely on the charitable food system which was designed for emergencies, but is increasingly an [ongoing necessity](#).

- ! Learning loss:** Following a year of widespread school closings and disrupted education, most students returned to in-person learning in the fall of 2021. The [learning loss](#) that accompanied remote learning has been widely reported. Not surprisingly, students in lower-income districts with fewer resources were hardest hit. Nationally, in 2021, 71% of parents below the Threshold said that their child was prepared for the academic year ahead, compared to 81% of parents above the Threshold. [The National Center for Education Statistics](#) (NCES) reported that nationally in 2022, scores for 9-year-old students declined five points in reading and seven points in mathematics compared to 2020 – the largest average score decline in reading since 1990, and the first-ever score decline in mathematics. Drops were even larger for low-income students as well as for Black and Hispanic students. In Virginia, average scores for 4th grade mathematics and reading and 8th grade mathematics [decreased between 2019 and 2022](#).

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- ! Behind on rent payments:** According to the Household Pulse Survey, renter households below the ALICE Threshold in Virginia were more likely than those above the Threshold to report that they were not caught up on rent payments. In August 2020, 17% of renters below the Threshold and 8% of renters above the Threshold were not caught up; by November 2022, rates improved for both groups, yet the difference remained, with 12% for renters below the Threshold and 3% of renters above the Threshold. Renters who fall behind on rent are at greater risk for eviction, especially since the federal moratorium on [evictions and foreclosures](#) and [state-level bans](#) have now expired, and funding for rental assistance is running out. As a result, [eviction filings are on the rise](#) and are likely to [increase in the near term](#).
- ! Struggling to pay bills:** During the pandemic, many ALICE households in Virginia reported difficulty paying for their usual household expenses. According to the Household Pulse Survey in August 2020, respondents below the ALICE Threshold were four times as likely as households above the Threshold to report that they found it somewhat or very difficult to pay for usual items such as food, rent or mortgage, car payments, and medical expenses (49% vs. 12%). These rates increased further through November 2022 (53% vs. 22%).
- ! Facing lack of savings and medical debt:** While many families were able to save during the pandemic, many ALICE families were not. As mentioned earlier, 44% of families below the ALICE Threshold in Virginia had set aside emergency savings or rainy day funds that would cover their expenses for three months in the event of sickness, job loss, economic downturn, or another emergency in November 2021, compared to 79% of those above the Threshold, according to SHED. In addition, respondents below the Threshold in Virginia were more likely than those above the Threshold to incur an unexpected major medical expense that they had to pay for out of pocket because it was not completely paid for by insurance (21% vs. 15% in November 2021). The lack of savings makes it more difficult for ALICE families to withstand an emergency in the future.

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**!** **Physical health:** A [September 2020 national survey](#) found that 36% of adults (age 18 to 64) delayed or missed health care services, including dental care, primary care, or specialist visits; preventive health screenings; and medical tests. For those with one or more chronic conditions, a mental health condition, or a lower income, the likelihood of postponing or forgoing care was even higher. Parents also postponed care for their children. In the fall of 2021, Virginia households below the ALICE Threshold were more likely to report that they missed, delayed, or [skipped their child’s preventive check-up](#) in the last 12 months than households above the Threshold (37% vs. 25%). These delays, especially when coupled with preexisting conditions, can contribute to [more serious health issues in the future](#).

In addition, according to the November 2022 Household Pulse Survey, Virginia respondents below the ALICE Threshold were more likely to report having symptoms of long COVID (such as fatigue, “brain fog,” difficulty breathing, heart palpitations, dizziness, or changes to taste/smell) lasting three months or longer that they did not have prior to having COVID-19 than respondents above the Threshold (38% vs. 20%).

**!** **Mental health:** With these sustained challenges, it’s not surprising that people below the ALICE Threshold in Virginia were more likely to report feeling depressed or anxious than those above the Threshold. According to the Household Pulse Survey, in August 2020, 23% of respondents below the Threshold and 13% above the Threshold reported feeling nervous, anxious, or on edge nearly every day over the last two weeks. By November 2022, these rates were slightly higher for those below the Threshold, and slightly lower for those above (25% and 12%, respectively).

Respondents below the Threshold were also more likely to report feeling down, depressed, or hopeless at both timepoints (13% in 2020 and 15% in 2022) than respondents above the Threshold (6% in 2020 and 5% in 2022). Some demographic groups experienced substantially higher rates of feeling anxious than the state average (Figure 9).

The lack of mental health resources during the pandemic has been [widely recognized](#), and awareness is increasing, especially with the launch of the [Nationwide Suicide and Crisis Lifeline](#) (988). But there remains a severe [shortage of mental health resources](#), especially for low-income families, and mental health providers struggle to meet [increased demand](#).

**Figure 9. Feeling Anxious, Above and Below the ALICE Threshold, Virginia, 2022**

Feeling Nervous, Anxious, or on Edge			
	Below ALICE Threshold	Above ALICE Threshold	State Average
<b>Black</b>	16%	10%	17%
<b>Hispanic</b>	24%	12%	
<b>Female</b>	27%	14%	
<b>With a Disability</b>	38%	34%	
<b>LGBT</b>	41%	28%	

Question: Over the last two weeks, how often have you been bothered by feeling nervous, anxious, or on edge? Selected: Nearly every day

Note: Black respondents are non-Hispanic; the Hispanic group includes respondents of Hispanic, Latino, or Spanish origin of any race; the “With a Disability” group includes respondents who have one or more vision, hearing, cognitive, mobility, or self-care difficulties; the “LGBT” group includes respondents who identify as gay or lesbian, bisexual, and/or transgender.

Sources: ALICE Threshold, 2021; U.S. Census Bureau, Household Pulse Survey, September 14, 2022–November 14, 2022, Phase 3.6

## From Warnings to Reality: ALICE Today

The strength of the Virginia economy is inextricably tied to the financial stability of all residents. As the pandemic has shown, ALICE workers are critical to the smooth running of the economy, during times of crisis and beyond. And, in turn, the stability of ALICE families depends on their being able to fully participate in that economy. Leaving ALICE behind in the recovery sets households and the larger economy up for greater vulnerability to the next economic disruption.

This is already happening, at the same time that the frequency and severity of [natural disasters](#) continue to increase. In places that experienced natural disasters in 2021 and 2022 — such as Hurricane Ian in Florida; wildfires in California, Idaho, and Utah; flooding in Kentucky and Missouri; and tornadoes in the southern U.S. — ALICE families faced [higher risks](#).

For example, following [Hurricane Ian in September 2022](#) in Florida, according to the Household Pulse Survey (December 2022), respondents below the ALICE Threshold were more likely than households above the Threshold to be displaced from their home (9% vs. 6%). One month after the storm, respondents below the Threshold were at least three times more likely to be experiencing a shortage of food (39% vs. 13%) and drinkable water (42% vs. 12%).

The pandemic has highlighted the ability of government policymakers and business managers to respond to changing conditions quickly. The 2021 ALICE data may surprise some readers who were expecting much worse. But 2021 was a unique year — and these warning signs are both a call to action and a challenge to complacency. We ignore our essential workers at our economy's and our communities' peril.



# COUNTY COMPARISON: INCOME STATUS, 2021

Virginia Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Accomack	14,152	46%	5%	1%
Albemarle	43,066	39%	4%	-8%
Alexandria city	72,024	37%	1%	11%
Alleghany	6,405	49%	-3%	18%
Amelia	5,190	51%	5%	35%
Amherst	12,538	40%	3%	-6%
Appomattox	6,187	46%	2%	17%
Arlington	108,396	28%	-3%	-14%
Augusta	29,880	39%	1%	13%
Bath	1,823	40%	1%	14%
Bedford	33,397	34%	7%	-2%
Bland	2,260	42%	-5%	-12%
Botetourt	13,076	38%	-1%	13%
Bristol city	7,347	52%	0%	-2%
Brunswick	5,905	52%	-2%	-1%
Buchanan	7,440	67%	-13%	-5%
Buckingham	5,724	49%	-2%	-13%
Buena Vista city	2,581	57%	3%	2%
Campbell	22,243	44%	-4%	-1%
Caroline	11,000	47%	0%	7%
Carroll	12,127	51%	-2%	4%
Charles city	2,932	47%	1%	13%
Charlotte	4,606	50%	-1%	-5%
Charlottesville city	19,312	48%	4%	-12%
Chesapeake city	93,849	32%	8%	-6%
Chesterfield	136,070	41%	6%	32%
Clarke	5,692	40%	1%	1%
Colonial Heights city	7,465	43%	6%	-9%

Virginia Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Covington city	2,547	55%	7%	27%
Craig	1,941	40%	-15%	-5%
Culpeper	17,692	31%	4%	-8%
Cumberland	3,990	43%	0%	-12%
Danville city	18,590	52%	2%	1%
Dickenson	5,573	63%	-4%	-3%
Dinwiddie	10,268	51%	-1%	8%
Emporia city	2,240	58%	7%	-6%
Essex	4,299	45%	-6%	-2%
Fairfax	410,660	25%	3%	-5%
Fairfax city	9,090	31%	6%	9%
Falls Church city	5,630	21%	2%	-13%
Fauquier	25,472	30%	4%	-9%
Floyd	6,695	45%	3%	11%
Fluvanna	9,979	40%	1%	-11%
Franklin	22,033	39%	-4%	1%
Franklin city	3,474	49%	-1%	-5%
Frederick	32,723	40%	4%	23%
Fredericksburg city	11,198	49%	4%	-3%
Galax city	2,780	54%	4%	-10%
Giles	6,824	38%	-1%	3%
Gloucester	14,882	34%	1%	13%
Goochland	9,454	33%	11%	6%
Grayson	6,112	52%	-6%	-9%
Greene	7,533	48%	0%	17%
Greensville	3,183	52%	-13%	5%
Halifax	13,506	52%	-5%	2%
Hampton city	58,181	41%	5%	-2%
Hanover	42,274	36%	8%	34%
Harrisonburg city	17,102	56%	2%	1%

Virginia Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Henrico	137,035	38%	5%	0%
Henry	20,516	55%	-3%	-1%
Highland	987	43%	-8%	-6%
Hopewell city	9,269	61%	0%	2%
Isle of Wight	15,063	35%	3%	6%
James city	29,748	35%	3%	-2%
King and Queen	2,803	44%	4%	15%
King George	9,445	28%	3%	9%
King William	6,667	39%	10%	6%
Lancaster	5,197	36%	3%	-13%
Lee	8,244	61%	-10%	-10%
Lexington city	2,005	41%	-7%	-17%
Loudoun	141,935	19%	6%	-2%
Louisa	14,192	38%	2%	1%
Lunenburg	4,304	55%	0%	10%
Lynchburg city	28,346	52%	-2%	18%
Madison	5,175	40%	5%	11%
Manassas city	13,562	36%	5%	-14%
Manassas Park city	5,155	41%	11%	-25%
Martinsville city	5,656	56%	2%	4%
Mathews	3,558	37%	-9%	-8%
Mecklenburg	12,655	49%	5%	2%
Middlesex	4,579	36%	-1%	-12%
Montgomery	37,796	51%	4%	25%
Nelson	6,149	45%	-4%	6%
New Kent	8,306	33%	4%	18%
Newport News city	77,489	43%	9%	0%
Norfolk city	97,596	44%	10%	-11%
Northampton	5,292	49%	3%	9%
Northumberland	5,127	44%	-8%	20%

Virginia Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Norton city	1,540	56%	-5%	-14%
Nottoway	5,309	42%	-3%	-20%
Orange	13,970	33%	2%	10%
Page	9,355	45%	1%	3%
Patrick	7,732	47%	0%	4%
Petersburg city	14,464	58%	10%	0%
Pittsylvania	24,663	47%	-6%	9%
Poquoson city	4,617	24%	1%	-22%
Portsmouth city	40,827	46%	13%	11%
Powhatan	10,722	30%	4%	8%
Prince Edward	7,113	58%	-1%	3%
Prince George	12,492	45%	9%	0%
Prince William	154,619	30%	8%	1%
Pulaski	14,534	40%	0%	7%
Radford city	5,545	62%	-1%	-9%
Rappahannock	2,773	32%	-5%	2%
Richmond	2,811	47%	-8%	-21%
Richmond city	99,929	55%	11%	12%
Roanoke	39,093	39%	2%	17%
Roanoke city	42,455	51%	4%	2%
Rockbridge	9,045	44%	-2%	11%
Rockingham	31,189	40%	2%	24%
Russell	10,355	55%	-4%	-1%
Salem city	9,971	43%	1%	-14%
Scott	8,612	54%	-2%	1%
Shenandoah	17,487	41%	0%	9%
Smyth	12,607	55%	-1%	3%
Southampton	6,661	43%	2%	5%
Spotsylvania	51,179	37%	10%	6%
Stafford	51,007	32%	8%	18%

Virginia Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Staunton city	11,125	46%	5%	16%
Suffolk city	37,383	35%	11%	3%
Surry	2,720	38%	0%	25%
Sussex	3,656	47%	-4%	-13%
Tazewell	15,759	53%	-5%	1%
Virginia Beach city	182,775	35%	4%	10%
Warren	15,082	40%	3%	30%
Washington	21,845	44%	-2%	-5%
Waynesboro city	9,419	50%	2%	6%
Westmoreland	7,873	45%	-1%	13%
Williamsburg city	4,778	45%	2%	-12%
Winchester city	11,018	49%	5%	5%
Wise	14,025	54%	-6%	-5%
Wythe	12,125	43%	1%	1%
York	25,389	34%	1%	14%

# NATIONAL COMPARISON: INCOME STATUS, 2021

STATE	RANK (1 = lowest % Below ALICE Threshold)	TOTAL Number of Households	Household Income Status		
			% Households in Poverty	% ALICE Households	% Households Below ALICE Threshold
United States	—	126,903,920	13%	29%	41%
Alabama	48	1,951,995	16%	32%	48%
Alaska	1	266,391	10%	22%	32%
Arizona	24	2,813,110	12%	28%	40%
Arkansas	46	1,176,614	16%	31%	47%
California	35	13,420,382	12%	31%	43%
Colorado	13	2,297,529	10%	27%	37%
Connecticut	19	1,428,313	10%	28%	39%
Delaware	27	395,656	12%	29%	41%
District of Columbia	31	319,565	15%	28%	42%
Florida	44	8,533,422	13%	32%	45%
Georgia	47	3,954,813	14%	34%	47%
Hawai'i	29	490,101	12%	30%	41%
Idaho	34	681,926	11%	32%	43%
Illinois	10	4,981,919	12%	24%	36%
Indiana	21	2,656,794	12%	27%	39%
Iowa	9	1,293,028	11%	24%	36%
Kansas	20	1,153,270	12%	27%	39%
Kentucky	38	1,767,504	16%	28%	44%
Louisiana	50	1,776,260	19%	32%	51%
Maine	30	583,562	12%	30%	42%
Maryland	15	2,352,331	10%	28%	38%
Massachusetts	25	2,756,295	11%	28%	40%
Michigan	22	4,029,761	13%	26%	39%
Minnesota	8	2,254,997	10%	26%	35%
Mississippi	51	1,116,509	20%	32%	52%
Missouri	36	2,459,987	13%	30%	43%
Montana	28	443,529	12%	29%	41%
Nebraska	17	781,693	11%	27%	39%
Nevada	42	1,189,085	14%	31%	45%
New Hampshire	2	548,727	8%	25%	33%
New Jersey	12	3,495,628	11%	26%	37%
New Mexico	45	821,310	17%	29%	47%
New York	40	7,635,201	14%	30%	44%
North Carolina	41	4,150,059	13%	31%	44%
North Dakota	6	322,588	11%	23%	34%
Ohio	16	4,820,453	13%	25%	38%
Oklahoma	43	1,536,903	15%	30%	45%
Oregon	39	1,697,608	12%	32%	44%
Pennsylvania	23	5,229,253	12%	27%	39%
Rhode Island	18	435,782	12%	27%	39%
South Carolina	33	2,037,203	15%	29%	43%
South Dakota	11	352,363	11%	26%	36%
Tennessee	37	2,740,302	14%	30%	44%
Texas	32	10,705,476	14%	29%	43%
Utah	5	1,087,978	9%	25%	34%
Vermont	26	265,098	11%	29%	40%
<b>Virginia</b>	<b>14</b>	<b>3,300,111</b>	<b>10%</b>	<b>28%</b>	<b>38%</b>
Washington	4	3,013,644	10%	24%	34%
West Virginia	49	711,392	17%	31%	48%
Wisconsin	7	2,436,961	11%	23%	34%
Wyoming	3	233,539	11%	22%	34%

# NEXT STEPS

Capturing the true extent of financial hardship in Virginia is critical for the appropriate allocation of funds for programs in areas such as education, health care, food access, housing, and employment. There is a lot more to be done to change the trajectory for households struggling to make ends meet. How can you help?

## Learn more and help to raise awareness of the struggles ALICE households face with:

- The interactive [ALICE in Virginia](#) webpages, to dig deeper into:
  - » [County Reports](#)
  - » [Household budgets](#)
  - » [Maps with data for local geographies](#)
  - » [Demographics](#)
  - » [Labor force data](#)
  - » [ALICE data alongside additional Indicators of Well-Being](#)

## Connect with stakeholders:

- [Contact your local United Way](#) for support and volunteer opportunities.
- Connect with members of the state [Research Advisory Committees](#) that support this work.
- Find your state and federal representatives and see ALICE household data by legislative district with our [ALICE Legislative District Tool](#).

## Turn the ALICE data into action in your community:

- Use the ALICE metrics to highlight the challenges ALICE households face, to inspire action and generate solutions that promote financial stability.

- Armed with the ALICE data, advocate for policy change, apply for grant funding, allocate funding for programs and services targeted to ALICE households, etc.
- Learn more on our [ALICE in Action](#) webpage about the programs, practices, and policies to improve access to affordable housing, high quality child care and education, healthy food, health care, transportation, workforce training, and more.
- Demonstrate potential financial challenges that ALICE workers face with interactive tools from the Federal Reserve Bank of Atlanta that incorporate the Household Survival Budget. These tools, which include the [Policy Rules Database](#) and the [Career Ladder Identifier and Financial Forecaster](#), map changes in benefits along a career path and identify potential benefits cliffs.

## Be an ally and advocate for better data:

- Advocate for more accurate data collection by the [U.S. Census Bureau](#) for people who have been [historically undercounted](#), including (but not limited to) people with disabilities, people experiencing homelessness, people of color, individuals who identify as LGBTQ+, and people in low-income and hard-to-count geographic areas.
- Support the [implementation](#) of a single combined question for race and ethnicity. Census [research](#) shows this change will yield a more accurate portrait of how the U.S. population self-identifies, especially for people who self-identify as multiracial or multiethnic.

Suggested Citation: United For ALICE. (2023). "ALICE in the Crosscurrents: COVID and Financial Hardship in Virginia." [UnitedForALICE.org/Virginia](https://UnitedForALICE.org/Virginia)

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**From:** [Rachele Valente](#)  
**To:** [publiccomment](#)  
**Subject:** EXTERNAL SENDER Proposed Amendment to Rule part 6, Section 1, page 3 (O): Unauthorized Practice of Law; State Forms  
**Date:** Sunday, March 9, 2025 8:48:39 PM

You don't often get email from [rvalente@fairfaxfamilylaw.net](mailto:rvalente@fairfaxfamilylaw.net). [Learn why this is important](#)

Dear Executive Director Rountree:

To the extent non-attorneys are permitted to assist laypersons to complete state-prescribed forms, I would urge that such forms include a disclaimer to the effect that advice and/or assistance of non-attorneys does not ensure that said forms have been completed fully, correctly or with legal effect; and, further, that litigants/claimants are encouraged to seek the advice of legal counsel.

Regards,  
Rachele Valente  
*Attorney at Law*

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# TAB 17



# Virginia State Bar

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Telephone: (804) 775-0500

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**To:** The Virginia State Bar Executive Committee and Council

**From:** Janet P. Van Cuyk, Deputy Executive Director  
Christine H. Mougín-Boal, Chair, Conference of Local and Specialty Bar Associations  
Zaida C. Thompson, Chair, Diversity Conference  
Thomas B. Bell, Jr., Chair, Senior Lawyers Conference  
Benjamin A. Shute, President, Young Lawyers Conference

**Date:** June 11, 2025

**Re:** Creation of New Sections: Local and Specialty Bar, Diversity, Senior Lawyers, and Young Lawyers Sections

---

## I. Action Requested:

Pursuant to Part II, Article XI of the Bylaws of the Virginia State Bar and Council (Bylaws), the Virginia State Bar (VSB) respectfully requests the VSB Executive Committee and Council to:

1. Approve the following new sections, effective July 1, 2025:
  - i. Diversity Section,
  - ii. Local and Specialty Bar Section,
  - iii. Senior Lawyers Section,
  - iv. Young Lawyers Section, and
2. Adopt the existing conference bylaws to govern each new section's operations until the sections submit their own proposed bylaws for approval, and request that the new sections submit these proposed bylaws no later than June 30, 2026.

The creation of the four new sections will implement the directives of the Supreme Court of Virginia's (Court's) April 16, 2025 Order (Order), which requires the conversion of the Conference of Local and Specialty Bar Associations, the Diversity Conference, the Senior Lawyers Conference, and the Young Lawyers Conference into sections by June 30, 2025. The formation of the four new sections would effectuate the mandates in the Order.

## II. Background

### A. Order

On April 16, 2025, the Supreme Court of Virginia (Court) issued an Order which, in relevant part, provides:

*Pursuant to Virginia Code § 54.1-3910, the Court has determined it is in the financial interests of the Virginia State Bar that its four conferences (the Conference of Local and Specialty Bar Associations, the Diversity Conference, the Senior Lawyers Conference and the Young Lawyers Conference) be converted to sections. Accordingly, the Virginia State Bar is ordered to complete such transition no later than June 30, 2025.*

### B. Bylaws

Part II, Article XI of the Bylaws states:

*The Council may create and abolish sections as it may consider necessary or desirable to accomplish the purposes and serve the interests of the Virginia State Bar and of the sections and shall prescribe the powers and duties of the sections. The bylaws of any section shall be subject to approval of Council.*

### C. Transition of Conferences to Sections

Should the proposed sections be created, the conferences would be converted as follows:

1. The “Conference of Local and Specialty Bar Associations” transitions to the “Local and Specialty Bar Section,”
2. The “Diversity Conference” transitions to the “Diversity Section,”
3. The “Senior Lawyers Conference” transitions to the “Senior Lawyers Section,” and
4. The “Young Lawyers Conference” transitions to the “Young Lawyers Section.”

The Order also amended Part Six, Section IV, Paragraph 5 of the Rules of Court, effective July 1, 2025, to name the new section chairs as members of the VSB Executive Committee. The Order designated the names of the new sections which are requested herein.

The VSB respectfully requests Council to create these four new sections, effective July 1, 2025.

### D. Conference Bylaws

The four conferences bylaws set their purposes and membership, officers and terms, executive committee/board of governors, committees, and meeting requirements.

1. The Conference of Local and Specialty Bar Associations: The bylaws set its four purposes which are the:
  - Establishment and maintenance of a mutually beneficial working relationship between the Virginia State Bar ("VSB") and local and specialty bar associations in Virginia.

- Establishment and maintenance of lines of communication to provide for transmission of the input of local and specialty bar associations to the VSB on issues affecting the legal profession, as well as information from the VSB about its activities and policies to such associations in Virginia.
- Coordination and cooperation between the VSB and local and specialty bar associations in improving the practice of law in Virginia and in enhancing the public understanding and appreciation of law and the legal profession.
- Presentation of high-quality educational programs for leaders of local and specialty bar associations designed to facilitate the management of those associations and to provide a forum for the exchange of information and ideas about programs and policies.

These bylaws were last amended in 2023.

2. The Diversity Conference: The bylaws set the conference's mission and goals which are as follows:

Its mission is to:

- foster and encourage diversity in the admission to the bar and advancement in the legal profession and the judiciary;
- serve as a catalyst for creating leadership and bar service opportunities in the legal profession in Virginia; and
- work to ensure that the legal system is responsive to the legal needs of the people of Virginia.

Its goals are:

- Encouraging aspiration to a legal career among diverse individuals;
- Enhancing access to a law-school education for diverse individuals and promoting their success;
- Promoting and maintaining the quality of legal services in Virginia;
- Promoting and assisting the advancement in the legal profession of diverse individuals;
- Fostering diversity at all levels of the judiciary;
- Enhancing participation by lawyers of diversity in the governance and activities of the Virginia State Bar ("VSB") and other organized bar groups; and
- Providing a forum to assist the legal profession and judiciary in understanding and addressing the legal needs of Virginia's diverse population.

These bylaws were last amended in 2023.

3. The Senior Lawyers Conference: The bylaws set the conference's purposes which is as follows:

- The purpose of The SLC shall be to uphold the honor of the profession of law, to apply the knowledge and experience of the profession to the promotion of the public good, to encourage cordial discourse and interaction among the members of the Virginia State Bar (VSB), and to pursue its Mission and Goals as follows:

- The SLC shall serve the particular interests of senior lawyers and promote the welfare of seniors generally. In serving the interests of senior lawyers the SLC will plan and present programs and activities and produce publications of interest to senior lawyers, and coordinate activities for senior lawyers by, for, and with state and local bar associations. To promote the welfare of seniors generally, the SLC will study issues of concern to seniors, prepare and present programs and publications designed to explore and develop such issues, advocate appropriately on behalf of such issues and cooperate with other entities interested in such matters.

These bylaws were last amended in 2023.

4. The Young Lawyers Conference: The bylaws set the conference’s purposes which are:
  - to serve as a vehicle through which the younger members of the Virginia State Bar can exert a more direct influence upon the activities of the Virginia State Bar
  - to engage in activities designed to respond to discernible needs among the younger members of the Bar in particular and the members of the legal profession in general;
  - to promote, uphold, and elevate the standards of honor, integrity, and competence in the legal profession; and
  - to assist the Council of the Virginia State Bar in discharging its duty to improve the legal system and the responsiveness of the profession to the members of the public, for whose benefit the profession exists.

These bylaws were last amended in 2023.

In light of the Order and the timing of the transition of the four conferences into sections, the VSB respectfully requests that the Council adopt the existing conference bylaws as interim governing documents for the sections, thereby allowing sufficient time for the sections to develop and propose new bylaws for the Council’s consideration.

The VSB further requests Council to direct the new sections to submit for their consideration new section bylaws no later than June 30, 2026.

### **III. Conclusion**

Part II, Article XI of the Bylaws authorizes Council to create sections “as it may consider necessary or desirable to accomplish the purposes and serve the [VSB’s] interests” and to (i) “prescribe powers and duties of the sections” and (ii) approve any section’s bylaws.

The VSB respectfully requests for Council to

1. Create the following sections:
  - i. Diversity Section,
  - ii. Local and Specialty Bar Section,
  - iii. Senior Lawyers Section, and
  - iv. Young Lawyers Section;
2. Adopt the existing conference bylaws as section bylaws;
3. Request the new sections submit new section bylaws no later than June 30, 2026; and
4. Prescribe the powers and duties of the sections as outlined each sections bylaws.

# TAB 18



# Virginia State Bar

1111 E. Main Street, Suite 700  
Richmond, Virginia 23219-0026  
Telephone: (804) 775-0500

---

**To:** The Virginia State Bar Executive Committee and Council

**From:** Janet P. Van Cuyk, Deputy Executive Director  
Christine H. Mougín-Boal, Chair, Conference of Local and Specialty Bar Associations  
Zaida C. Thompson, Chair, Diversity Conference  
Thomas B. Bell, Jr., Chair, Senior Lawyers Conference  
Benjamin A. Shute, President, Young Lawyers Conference

**Date:** May 27, 2025

**Re:** Proposed Changes the Bylaws of the Virginia State Bar and Council

---

## I. Action Requested:

Pursuant to Part III of the Bylaws of the Virginia State Bar and Council (Bylaws), the Virginia State Bar (VSB) respectfully requests approval by the VSB Executive Committee and Council of the proposed changes to the Bylaws.

The proposed amendments change the references to the four VSB conferences, the Conference of Local and Specialty Bar Associations, the Diversity Conference, the Senior Lawyers Conference, and the Young Lawyers Conference to align the Bylaws with the July 1, 2025 amendments to Part Six, Section IV, Paragraph 5 of the Rules of the Supreme Court of Virginia (Paragraph 5).

## II. Background

On April 16, 2025, the Supreme Court of Virginia (Court) ordered the following:

1. The conversion of the four VSB conferences into sections, no later than June 30, 2025, and
2. The amendment of Paragraph 5, effective July 1, 2025, as follows:
  - i. The “Conference of Local Bar Associations” is changed to the “Local and Specialty Bar Section;”
  - ii. The “Diversity Conference” is changed to the “Diversity Section;”
  - iii. The “Senior Lawyers Conference” is changed to the “Senior Lawyers Section;”

- iv. The “Young Lawyers Conference” is changed to the “Young Lawyers Section;” and
- v. The position of “President” of the Young Lawyers Conference is renamed to the “Chair” of the Young Lawyers Section.

### III. Process and Public Comment:

Prior to Council considering any amendment to the Bylaws, Part III of the Bylaws requires “at least 30 days’ notice of the proposed amendment” to all VSB members. On May 12, 2025, notice of and a request for public comment on the proposed Bylaws changes was posted on the VSB website. The public comment period was from May 12, 2025 through June 11, 2025. The request for comment is attached as **Attachment A**.

As of the date of this memorandum, two public comment were received.

- James M. McCauley opposes the conversion of the conferences to sections.
- John Crough prefers to call them Sections.

These comments are attached as **Attachment B**.

Should comments be received prior to the closing of the public comment period, they will be provided in supplemental materials for consideration at the Executive Committee and Council meetings.

### IV. Proposed changes:

The proposed changes amend Part I, Article VIII, Section 3 and Part II, Article VI, Section 1 of the Bylaws as follows:

***Part I (Bylaws of the Virginia State Bar), Article VIII (Standing Committees), Section 3 (Committee on Professionalism) of the Bylaws:***

1           There shall be a standing committee to be appointed by the president and to be known as  
2           the Committee on Professionalism. The committee shall consist of fifteen members, each  
3           of whom shall be an active or judicial member of the bar. At least two of the committee  
4           members shall be members of the Council, at least three shall be current or former  
5           members of the faculty of the mandatory course on professionalism, and at least one  
6           shall, when initially appointed, be an officer or member of the board of governors of the  
7           Young Lawyers ~~Conference~~Section. In addition, the Virginia State Bar Counsel shall be  
8           an ex officio member of the committee. All members shall serve for a three-year term. No  
9           member may serve more than two consecutive three-year terms. A member appointed to  
10          fill an unexpired term shall be eligible to serve two additional full three-year terms. An  
11          eligible member wishing to be reappointed shall be required to reapply in writing under  
12          procedures established by Council and administered by the executive director. All powers

1 and duties of Council with respect to the implementation of Paragraph 13.1 of Part Six,  
2 Section IV of the Rules of the Supreme Court of Virginia, and with respect to  
3 professionalism in the practice of law in Virginia, not otherwise delegated or reserved,  
4 shall be exercised and discharged by the Committee.

***Part II (Bylaws of Council), Article VI (Executive Committee), Section 1:***

5 There shall be an Executive Committee consisting of thirteen members, six of whom  
6 shall be elected annually by and from the Council, with the president, president-elect,  
7 immediate past president, ~~President~~Chair of the Young Lawyers ~~Conference~~Section,  
8 Chair of the Senior Lawyers ~~Conference~~Section, Chair of the ~~Conference~~of Local and  
9 Specialty Bar AssociationsSection, and Chair of the Diversity ~~Conference~~Section serving  
10 as ex officio members.

A clean version of the relevant sections of the Bylaws with the proposed changes included is attached as **Attachment C**.

**V. Conclusion**

As provided in Part III of the Bylaws, the VSB respectfully request approval<sup>1</sup> of the proposed amendments to the Bylaws, effective July 1, 2025.

Attachment A: April 16, 2025 Order of the Court  
Attachment B: May 12, 2025 VSB website news item.  
Attachment C: A clean version of the proposed amendments.

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<sup>1</sup> A two-thirds vote of Council members present and voting is required for the approval proposed changes (Bylaws, Part III).

# May 12, 2025 VSB News Item

(available at: <https://vsb.org/Site/news/rules-news/20250512-bylaws-amendments-conf-sections.aspx>)

## Proposed | VSB Notice of and Request for Public Comment Proposed Bylaws Changes

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May 12, 2025

Pursuant to Part III of the Bylaws of the Virginia State Bar and Council (Bylaws), the Virginia State Bar is providing notice of and seeking public comment on proposed amendments to the Bylaws

The proposed amendments change the references to the four Virginia State Bar conferences, the Conference of Local and Specialty Bar Associations, the Diversity Conference, the Senior Lawyers Conference, and the Young Lawyers Conference, to their designated section names, effective July 1, 2025.

The proposed changes would align the Bylaws with the July 1, 2025 amendments to Part Six, Section IV, Paragraph 5 of the Rules of the Supreme Court of Virginia (see [April 16, 2025 Order](#)).

### Proposed amendments to Part I (Bylaws of the Virginia State Bar), Article VIII (Standing Committees), Section 3 (Committee on Professionalism) of the Bylaws:

There shall be a standing committee to be appointed by the president and to be known as the Committee on Professionalism. The committee shall consist of fifteen members, each of whom shall be an active or judicial member of the bar. At least two of the committee members shall be members of the Council, at least three shall be current or former members of the faculty of the mandatory course on professionalism, and at least one shall, when initially appointed, be an officer or member of the board of governors of the Young Lawyers ~~Conference~~Section. In addition, the Virginia State Bar Counsel shall be an ex officio member of the committee. All members shall serve for a three-year term. No member may serve more than two consecutive three-year terms. A member appointed to fill an unexpired term shall be eligible to serve two additional full three-year terms. An eligible member wishing to be reappointed shall be required to reapply in writing under procedures established by Council and administered by the executive director. All powers and duties of Council with respect to the implementation of Paragraph 13.1 of Part Six, Section IV of the Rules of the Supreme Court of Virginia, and with respect to professionalism in the practice of law in Virginia, not otherwise delegated or reserved, shall be exercised and discharged by the Committee.

### Proposed amendments to Part II (Bylaws of Council), Article VI (Executive Committee), Section 1:

There shall be an Executive Committee consisting of thirteen members, six of whom shall be elected annually by and from the Council, with the president, president-elect, immediate past president, ~~President~~Chair of the Young Lawyers ~~Conference~~Section, Chair of the Senior Lawyers ~~Conference~~Section, Chair of the ~~Conference of Local and Specialty Bar Associations~~Section, and Chair of the Diversity ~~Conference~~Section serving as ex officio members.

### Comment:

Any individual, business, or other entity may submit written comments in support of or in opposition to the proposed action to Cameron M. Rountree, executive director of the Virginia State Bar, by close of business on June 11, 2025. Comments may be submitted via email to [publiccomment@vsb.org](mailto:publiccomment@vsb.org).

## Public Comments

**From:** [j.mccauley53@gmail.com](mailto:j.mccauley53@gmail.com) <[j.mccauley53@gmail.com](mailto:j.mccauley53@gmail.com)>  
**Sent:** Thursday, May 22, 2025 1:14 PM  
**To:** publiccomment <[PublicComment@vsb.org](mailto:PublicComment@vsb.org)>; Rountree, Cameron <[CRountree@vsb.org](mailto:CRountree@vsb.org)>  
**Subject:** EXT: Public Comment on Conversion of VSB Conferences to Sections

**Caution:** This email originated from outside the VSB. Do not click links or open attachments unless you recognize and have verified the sender.

Dear Cameron,

On May 12, 2025, the VSB gave notice and invited comment on proposed changes to the Bylaws of the Virginia State Bar and Council (Bylaws). While the posting notes that the changes to the Bylaws are *proposed*, given that the Supreme Court entered the Order on April 16, 2025, to make the conversion of the 4 Conferences to Sections no later than June 30, 2025, I don't see or understand what is left for me to comment about! The deed has been done.

I understand that the reason given for making this significant change is that "the Court has determined it is in the finance interests of the Virginia State Bar that its four conferences . . . be converted to sections." Presumably, this means that the VSB will now be able to charge members of these 4 conferences "section dues," and perhaps require that they pay for the expenses of their projects and programs out of a section budget, not the general budget.

I am sympathetic to the VSB's financial situation and its intent to garner support to introduce a bill to have the General Assembly lift the statutory cap on annual dues. I support that initiative and believe that an increase in annual dues has become necessary as the VSB has depleted its reserve to pay for operating expenses that have risen over several years. The VSB needs to increase its revenue to meet the expenses of its operations.

What I do not support and oppose is the conversion of the conferences to sections. To me, the work and progress of the Conferences has always been broader and more reaching than any of the sections of the VSB. The scope of work and outreach of the four conferences extends well beyond serving its members but rather focuses on serving the needs of the public and legal community at large. I cannot say that about the work of the sections which tend more to serve their respective members' interests, which is OK. But my point is that the four conferences are by no means comparable to the sections and should not be treated as such.

Thank you for the opportunity to comment on this rule change.

Respectfully,  
Jim



---

**From:** John Crouch <[Johncrouch@tgclawyers.com](mailto:Johncrouch@tgclawyers.com)>

**Sent:** Thursday, May 22, 2025 10:36 PM

**To:** publiccomment <[PublicComment@vsb.org](mailto:PublicComment@vsb.org)>

**Subject:** EXT: Changing "Conference" to "Section"

You don't often get email from [johncrouch@tgclawyers.com](mailto:johncrouch@tgclawyers.com). [Learn why this is important](#)

**Caution:** This email originated from outside the VSB. Do not click links or open attachments unless you recognize and have verified the sender.

Unless it involves significant expense, it is definitely better to call them Sections. The term "conference" is confusing. Confusing terms not only fail to communicate, they make people feel excluded.

John Crouch  
Thyden Gross and Callahan, LLP  
5425 Wisconsin Avenue, Suite 600  
Chevy Chase, Maryland 20815  
(703) 528-6700  
[johncrouch@tgclawyers.com](mailto:johncrouch@tgclawyers.com)  
Fellow, International Academy of Family Lawyers (Formerly IAML)  
and International Academy of Collaborative Professionals

**Clean Version (proposed amendments included) of Part I, Article VIII, Section 3 and Part II, Article VI, Section 1 of the Bylaws:**

*Part I, Article VIII, Section 3 of the Bylaws:*

1           There shall be a standing committee to be appointed by the president and to be known as the  
2           Committee on Professionalism. The committee shall consist of fifteen members, each of whom  
3           shall be an active or judicial member of the bar. At least two of the committee members shall  
4           be members of the Council, at least three shall be current or former members of the faculty of  
5           the mandatory course on professionalism, and at least one shall, when initially appointed, be  
6           an officer or member of the board of governors of the Young Lawyers Section. In addition, the  
7           Virginia State Bar Counsel shall be an ex officio member of the committee. All members shall  
8           serve for a three-year term. No member may serve more than two consecutive three-year  
9           terms. A member appointed to fill an unexpired term shall be eligible to serve two additional  
10          full three-year terms. An eligible member wishing to be reappointed shall be required to  
11          reapply in writing under procedures established by Council and administered by the executive  
12          director. All powers and duties of Council with respect to the implementation of Paragraph  
13          13.1 of Part Six, Section IV of the Rules of the Supreme Court of Virginia, and with respect to  
14          professionalism in the practice of law in Virginia, not otherwise delegated or reserved, shall be  
15          exercised and discharged by the Committee.

*Part II, Article VI, Section 1:*

16          There shall be an Executive Committee consisting of thirteen members, six of whom shall be  
17          elected annually by and from the Council, with the president, president-elect, immediate past  
18          president, Chair of the Young Lawyers Section, Chair of the Senior Lawyers Section, Chair of  
19          the Local and Specialty Bar Section, and Chair of the Diversity Section serving as ex officio  
20          members.

# TAB 19



# Virginia State Bar

1111 E. Main Street, Suite 700  
Richmond, Virginia 23219-0026  
Telephone: (804) 775-0500

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**To:** VSB Executive Committee and Council

**From:** Mallory J. Ralston, Director, Bar Programs & Engagement

**Date:** June 10-11, 2025

**Re:** VSB Section Bylaws Amendments: Bankruptcy Law, General Practice, Education of Lawyers in Virginia, and Military Law Sections

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## **I. Action Requested**

The following VSB Sections respectfully request the VSB Executive Committee to recommend and Council to (1) repeal the existing governing bylaws and (2) adopt the proposed changes, effective July 1, 2025:

- The Bankruptcy Law Section (last amended in June 1986)
- The General Practice Section (last amended in October 2010)
- The Education of Lawyers in Virginia Section (last amended in June 1995)
- The Military Law Section (last amended in February 1996)

The Military Law Section further requests Council to change its name to the “Military and Veterans Law Section,” effective July 1, 2025.

## **II. Authority**

The Bylaws of the Virginia State Bar and Council, Part II, Article XI invests in Council the power to “create and abolish sections as it may consider necessary to accomplish the purposes and serve the interest of the Virginia State Bar and of the sections and shall prescribe the powers and duties of the sections.” Additionally, this Article requires Council to “approve” the bylaws of any section.

Approval of the proposed sections’ bylaws amendments would repeal current versions of the respective section’s bylaws and adopt the revised version effective July 1, 2025.

### III. Background Information

The 20 sections of the VSB were established between 1955 and 1996. At the time of creation, each section developed independent bylaws. Many of the current bylaws contain outdated references, inconsistent language, and anomalous provisions.

In late 2024, each section's Board of Governors received a bylaws template for guidance and instructions for updating and standardizing their bylaws, to the fullest extent possible, while allowing section-specific provisions when needed for volunteer positions, subcommittees, or other elements that support the specific operations of the section. The section's bylaws template is provided for your consideration as **Attachment A**.

The following updates were included in the template and recommended in the instructions to each Board of Governors:

- 1) **Change:** Remove the office of Treasurer.  
**Rationale:** Most sections do not have an active treasurer but utilize their VSB staff liaison to collect and report financial information and data.
- 2) **Change:** Limit Board members' service to two, three-year terms, for a total of six consecutive years on the Board, with the following caveats:
  - a. If a Board member serves in an officer position (secretary, vice-chair, or chair) and continues a hierarchical progression through these positions, the Board member may continue as a Board member for the duration of their service in the leadership positions. Any such individual could serve an additional three years for a total of nine consecutive years on the Board of Governors.
  - b. Once Board members complete their maximum number of consecutive years on the Board, they may be elected to the Board again after one full term (three years) has lapsed.**Rational:** These provisions were recommended to encourage broader Board participation and leadership development.

The Boards were also encouraged to review and update language in their bylaws (e.g., one of the section's bylaws still included the word "telegram").

### IV. Proposed Amendments

Each section is in the process of reviewing their current bylaws. In their review, they are either (i) making line amendments to their current bylaws or (ii) using the bylaws template and modifying as necessary to meet their section's needs. Once the respective Boards of Directors adopt proposed revisions the full section membership votes to approve the changes prior to presenting for approval to Council.

The tables below contain a summary of the substantive changes to the Bankruptcy Law, General Practice, Education of Lawyers in Virginia, and Military Law Sections’ bylaws for review and approval by Council.

Section	Bankruptcy Law	General Practice	Ed. Of Lawyers	Military Law
<b>ARTICLE I. Name and Purpose</b>				
Name	None.	None.	None.	Change the name from “Military Law Section” to “Military and Veterans Law Section”
Purpose	None.	None.	None.	None.
<b>ARTICLE II. Membership and Dues</b>				
Eligibility	Removes the specific reference to judicial membership ( <i>already eligible as a VSB member</i> ). Removes the requirement to enroll with the secretary ( <i>managed through dues renewal process</i> ).	Added out of state lawyer and law student non-voting membership.	Removes four categories of membership (changes to voting and non-voting member statuses). Removes the specific reference to judicial membership ( <i>already eligible as a VSB member</i> ). Removes the requirement to enroll with the secretary ( <i>managed through dues renewal process</i> ).	Removes four categories of membership (changes to voting and non-voting member statuses). Removes the specific reference to judicial membership ( <i>already eligible as a VSB member</i> ). Removes the requirement to enroll with the secretary ( <i>managed through dues renewal process</i> ).
Dues	Removes reference to dues paid to the Treasurer of the Virginia State Bar. Removes reference to specific dues amount. Adds dues waiver for Emeritus members of the VSB and law students ( <i>already applicable to Judicial members</i> ).	Removes reference to dues paid to the Treasurer of the Virginia State Bar. Removes reference to specific dues amount. Adds dues waiver for Emeritus and Judicial members of the VSB and law students.	Removes reference to dues paid to the Treasurer of the Virginia State Bar. Removes reference to specific dues amount. Adds dues waiver for Emeritus members of the VSB and law students ( <i>already applicable to Judicial members</i> ).	Removes reference to specific dues amount. Adds dues waiver for Emeritus members of the VSB and law students ( <i>already applicable to Judicial members</i> ).

Section	Bankruptcy Law	General Practice	Ed. Of Lawyers	Military Law
<b>ARTICLE III. Board of Governors</b>				
Number and Eligibility	All sections removed reference to the appointment of the initial Board.			
	Added that officers are included in the total members of the Board. Allows officers to remain on the Board after two consecutive terms if they serve as an officer.	Allows officers to remain on the Board after two consecutive terms if they serve as an officer.	Added that officers are included in the total members of the Board. Allows officers to remain on the Board after two consecutive terms if they serve as an officer.	Added that officers are included in the total members of the Board. Allows officers to remain on the Board after two consecutive terms if they serve as an officer.
Term	Changed the required eligibility for election after the consecutive-terms maximum from one to three years.	Added two consecutive three-year terms limits (with the extension for officers) and eligibility for election after the consecutive-terms maximum from one to three years.	Changed the required eligibility for election after the consecutive-terms maximum from one to three years.	Changed the required eligibility for election after the consecutive-terms maximum from one to three years.
Nomination and Election	None.	None.		None.
Declaration of Vacancy	Added this section.	Added this section. Made the removal of an officer who is Not In Good Standing with the VSB <i>discretionary</i> .	Added the requirement to deem a seat vacant if the member is Not in Good Standing with the VSB.	Added this section.
Vacancies	None.	None.		None.
Ex Officio Members	N/A	Retained current ex officio positions.	N/A	Retained ex officio positions in the “Number and Eligibility” section.
Committees	All sections added the requirement that committees be appointed/reappointed annually.			
	No additional changes.	No additional changes.	Changed the authority from the Board to the Chair.	No additional changes.
Duties and Powers	All sections added the general supervision authority of the Board and the restrictions relating to contracting and making binding financial commitments.			
Special Appointments	All sections added the allowance for the Chair to designate special appointments which are reviewed annually.			

Section	Bankruptcy Law	General Practice	Ed. Of Lawyers	Military Law
<b>ARTICLE IV. Officers</b>				
Officers	None.	None.	Includes the <i>Immediate Past Chair</i> as an officer.	None.
Chair	None.	None.	None.	None.
Vice-Chair	None.	None.	None.	None.
Immediate Past Chair	N/A	N/A	Duties are assigned by the Chair.	N/A
Secretary	All sections added the provision that VSB staff are the custodians of section records.			
Presiding Member	All sections added the allowance for another member of the Board or section may be selected to preside over a meeting in the Chair's and Vice-Chair's absence.			
<b>ARTICLE V. Meetings of the Section</b>				
	All sections added that meetings may be conducted in-person, virtual or hybrid as designated by the Chair and communicated to the membership.			
Annual Meeting of Section	None.	None.	None.	None.
Special Meetings of Section	None.	None.	None.	None.
Quorum and Voting of Section	None.	None.	None.	None.
<b>ARTICLE VI. Meetings of the Board of Governors</b>				
	All sections added that meetings may be conducted in-person, virtual or hybrid as designated by the Chair.			
Regular Meetings of the Board	None.	Removed ability to vote by "telegram."	Removed ability to vote by "fax."	Removed ability to vote by "fax."
Special Meetings of the Board	None.	None.	None.	None.
Quorum and Voting of the Board	All sections added that the meetings are open unless closed by a motion passed by a majority of the members present and voting.			
Absentee Voting	All sections added that proxy votes have the same effect as an in-person vote, except during closed meetings.			
Submitted Propositions	All sections added the ability for all section members to submit items for the Board's consideration.			
<b>ARTICLE VII. Miscellaneous</b>				
Fiscal Year	All sections adopted a fiscal year "the same as that of the VSB."			

Section	Bankruptcy Law	General Practice	Ed. Of Lawyers	Military Law
Bills	All sections adopted the requirement that requests for payments must be approved by the Chair and/or the VSB section liaison prior to forwarding the VSB Finance Department.			
Compensation	All sections added the requirement that the Board incorporate a process to review and approve any compensation to non-Board members for work annually and that person must invoice for payment and provide an annual report on costs and duties at the end of the fiscal year.			
Action of Section	All sections added the review and approval process for new programs.			
<b>ARTICLE VIII. Rules of Procedure</b>				
Rules of Procedure	None.	None.	None.	None.
<b>ARTICLE IX. Effectiveness and Amendment of Bylaws</b>				
Amendment	None.	None.	None.	None.
Bylaws Effective	None.	None.	None.	None.

#### V. Action Requested

It is respectfully requested that Council approve the following actions:

1. Change the name of the “Military Law Section” to the “Military and Veterans Law Section,” effective July 1, 2025;
2. Repeal the current bylaws of the Bankruptcy Law, General Practice, Education of Lawyers in Virginia, and Military Law Sections, effective July 1, 2025; and
3. Adopt the proposed bylaws, effective July 1, 2025, for the following sections:
  - The Bankruptcy Law Section,
  - The General Practice Section,
  - The Education of Lawyers in Virginia Section, and
  - The Military and Veterans Law Section.

**Attachment A:** Template bylaws provided to all sections’ Boards of Governors for consideration.

**BYLAWS OF THE**  
**SECTION**  
**OF THE VIRGINIA STATE BAR**

Approved by Council **DATE**

**ARTICLE I**

**Name and Purpose**

1. **Name** - The name of this section is be the **SECTION** Section (Section) of the Virginia State Bar (VSB).
2. **Purpose** - This Section was established in **XXXX** to **Fill in from previous bylaws.**

**ARTICLE II**

**Membership and Dues**

1. **Eligibility** - Any member of the VSB is eligible for membership; any lawyer eligible to practice before the highest court of any state of the United States or the District of Columbia who is not a member of the VSB is eligible for non-voting membership; and any full-time law student enrolled in a law school in any state of the United States or the District of Columbia is eligible for non-voting membership. Members of each category continue to be eligible for membership if they retain their membership criteria and pay the annual dues as specified in Section 2 of this Article.

2. **Dues** - To further the work of this Section and except as provided herein, all members must annually pay dues to the VSB. Individuals who are Emeritus or Judicial class members of the VSB or are full-time law students are exempt from the requirement to pay dues. New members defined as individuals who join the Section during the last quarter of the fiscal year (April 1-June 30) do not have to pay dues until the start of the next fiscal year. Dues amounts will be set by the Section's Board of Governors (Board) by March 1 preceding the assessed fiscal year.

**ARTICLE III**

**Board of Governors**

1. **Number and Eligibility** - There will be a Board of no more than **XX Section members**, inclusive of the officers as provided for in Article IV.

Officers whose terms have expired, may continue on the Board until their term as an officer expires. Any such officer must be counted in the total Board members. In no instance will an officer remain on the Board more than three years after the expiration of the final three-year term. Members of the Board must be nominated and elected as provided in Section 3 of this Article. Section members are ineligible for Board membership if the member completed a prior three-year term and three years have not elapsed since completion of that term. The Board may appoint additional non-voting, non-member representatives to participate in Board discussions. Such non-members must be reviewed and re-appointed each year.

2. **Term** - Members of the Board must be elected at this Section's Annual Meeting which must be held before or during the VSB Annual Meeting, for a term of three years, beginning July 1 following the Annual Meeting at which they have been elected and ending June 30 three years later. Board members may serve no more than two consecutive three-year terms except for officers as stated in Article II, Section 1. A member is eligible for reappointment to the Board after the lapse of at least one three-year

term following the expiration of the previous term. At the expiration of the initial term of any member appointed for less than a three-year term, such member is eligible for immediate reappointment to the Board for two additional consecutive three-year terms.

3. Nomination and Election - At least sixty days before the Section's Annual Meeting, the Chair must appoint a nominating committee of at least five Section members, with no more than two members of the Board. The nominating committee must meet at least thirty days before the Section's Annual Meeting (i) to review any vacancies on the Board resulting from resignations or expiring terms and (ii) to recommend a slate for appointment to the Board and for election as officers including Secretary, Vice-Chair, and Chair. Three members of the nominating committee constitutes a quorum. If less than a quorum is present, the Chair of this Section must appoint additional members to the nominating committee sufficient to constitute a quorum. The Nominating Committee must submit a report to the Board with its proposed slate prior to the Section's Annual Meeting. The proposed slate must be voted upon by the Section membership at the Section's Annual Meeting. Additional nominations may be made from the floor of the Section's Annual Meeting by any voting member. Quorum is a majority of Section members present at the Section's Annual Meeting.

4. Declaration of Vacancy - If any member of the Board (i) fails to attend two successive meetings of the Board, without notice or sufficient cause reported to the Secretary or the VSB staff; (ii) resigns from the Board; or (iii) is not-in-good-standing with the VSB due to disciplinary reasons, the membership of said person on the Board and any office held by such person must be declared vacant by the Chair of the Section and filled as provided for in Section 5 of this Article.

5. Vacancies - The Board, during the interim between the Section's Annual Meetings, may fill board member or officer vacancies on the Board. Members of the Board so selected will serve the full unexpired term and officers appointed to fill a vacancy will serve until the next succeeding June 30.

6. Committees - The Chair of the Board may appoint committees or subcommittees from Section members to perform such duties and exercise such powers as the Board directs, subject to the limitations of these bylaws and the bylaws of the VSB. Such subcommittees should be reaffirmed and reappointed each year.

7. Duties and Powers - The Board has general supervision and control of the affairs of this Section, subject to the provisions of the Rules of the Supreme Court of Virginia and the bylaws of the VSB. The Board may not authorize commitments or contracts which entail the payment of more money during any fiscal year than the amount which had previously been appropriated to this Section for the fiscal year. Only VSB staff may authorize financial commitments or enter into contracts on behalf of the VSB.

8. Special Appointments – The Chair may designate volunteers for specific functions that support the work of the Section. Appointments must be reviewed annually.

## **ARTICLE IV**

### **Officers**

1. Officers - The officers of this Section are: (i) the Chair, (ii) the Vice-Chair, (iii) the Immediate Past Chair, and (iv) the Secretary. All officers must be elected according to Article III, Section 3 for the term beginning July 1 after such election and ending on June 30 of the next succeeding year.

2. Chair - The Chair presides at all meetings of this Section and of the Board. At the conclusion of the year, the Chair must prepare a summary of the Section's proceedings and work during the immediate past year for publication in the Annual Report of the VSB. The Chair must perform such other duties and

acts as pertain to this office.

3. Vice-Chair - The Vice-Chair must further perform all duties assigned him by the Chair of the Board. Upon the death, resignation, or during the absence of the Chair, the Vice-Chair must perform the duties of the Chair. The Vice-Chair must perform the duties of the Chair only until the Chair is able to fulfill the duties of the office.

4. Secretary – In cooperation with VSB staff, the Secretary must keep an accurate record of the proceedings thereof, and perform such duties assigned him by the Chair of the Board. The VSB staff section liaison is the custodian of all reports, minutes, documents, and other property of this Section. Any original documents subject to FOIA requirements shall reside with the VSB.

5. Presiding Member - In the absence of the Chair or the Vice-Chair at any regular or special meeting of this Section or the Board, any member of the Board chosen by a majority of the Board members present and voting may preside at such meeting.

#### **ARTICLE V** **Meetings of the Section**

1. Annual Meeting of Section - The Section's Annual Meeting must be held before or during the VSB Annual Meeting. Meetings may be conducted in-person, virtual, or hybrid as designated by the Chair and communicated by the Secretary in advance of the meeting.

2. Special Meetings of Section - Special meetings of this Section may be called by the Chair, upon approval by a majority of the Board. Meetings may be conducted in-person, virtual, or hybrid as designated by the Chair and communicated to the membership in advance of the meeting.

3. Quorum and Voting of Section - Such members of this Section as may be present at any meeting constitutes a quorum for the transaction of business. All binding actions of the Section must be approved by a majority vote of the members present. All meetings of this Section will be open, unless specifically changed by a motion passed by a majority of those present.

#### **ARTICLE VI** **Meetings of the Board of Governors**

1. Regular Meetings of Board - Regular meetings of the Section's Board must be held at least three times each fiscal year as scheduled by the Chair. Meetings may be conducted in-person, virtual, or hybrid as designated by the Chair and communicated in advance of the meeting.

2. Special Meetings of Board - Special meetings may be held at the request of the majority of the Board or at the call of the Chair. Meetings may be conducted in-person, virtual, or hybrid as designated by the Chair and communicated in advance of the meeting,

3. Quorum and Voting of Board - A majority of the Board constitutes a quorum, and all binding action of the Board must be approved by a majority vote of the Board members present either physically or virtually or voting by proxy. Any individual receiving compensation in any form for the work of the Section is prohibited from voting on Board business. All voting at meetings of the Board will be open, unless specifically changed by a motion passed by a majority of those present.

4. Absentee Voting - Members of the Board, when present at a meeting of the Board, in person or virtually, must be permitted to vote. Absent members may vote by proxy if (i) their absence is for sufficient cause and (ii) their vote is communicated to the Secretary, in writing, in advance of the meeting where the

vote will be taken. Any proxy vote will have the same effect as if cast by the member in person.

5. Submitted Propositions - The Chair of this Section sets the agenda for all meetings. Any member of the Section or the Board may submit an agenda item or proposition to the Chair for inclusion on the agenda.

## **ARTICLE VII** **Miscellaneous**

1. Fiscal Year - The fiscal year of this Section is the same as that of the VSB.

2. Bills - All costs incurred by this Section, before being forwarded to the VSB finance office for payment, must be approved by the Chair and/or the VSB staff section liaison.

3. Compensation – At no point will any Board member receive compensation from the VSB for duties affiliated with the activities of the Section. The Board must annually approve requests for compensation based on a submitted proposal for scope of work and cost of said work if necessary to perform the duties of the Section. Any individual receiving such compensation may not be a member of the Board. The individual receiving compensation is required to provide an invoice for payment which includes an accounting of duties and hours worked and an annual report by the end of the fiscal year totaling cost and duties. Any person receiving compensation who fails to submit the annual report will be ineligible to serve in that role in the subsequent fiscal year.

4. Action of Section - Before any new program of this Section becomes the action of the VSB, it must be approved by the VSB Executive Director. Any resolution adopted by this Section must be reported by the Chair to the VSB Executive Director for the VSB's action thereon prior to distribution.

## **ARTICLE VIII** **Rules of Procedure**

Except as otherwise provided in these bylaws, Robert's Rules of Order govern the procedure at meetings of this Section and its Board.

## **ARTICLE IX** **Effectiveness and Amendment of Bylaws**

1. Amendment - Any bylaw amendments must be approved by a majority of the Board, the Section members, and the VSB Council.

2. Bylaws Effective - These bylaws, and any amendments, become effective upon approval by the VSB Council.

# TAB 20



## Virginia State Bar

1111 E. Main Street, Suite 700  
Richmond, Virginia 24219-0026  
Telephone: (804) 775-0500

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**To:** Executive Committee  
Bar Council

**From:** Cameron M. Rountree  
Executive Director

**Dates:** June 11-12, 2025

**Re:** Request for Approval of 2025-2026 Appointments and Reappointments for  
Disciplinary District Committees

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### 2025 – 2026 NOMINEES FOR DISTRICT COMMITTEES June 2025

#### *FIRST DISTRICT COMMITTEE*

#### *Current Composition:*

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Lisa M. Moore	Newport News	2025-2
Jeannette M. Dodson-O'Connell	Newport News	2025-1
Marqueta N. Tyson	Hampton	2025-1
Nancy G. Parr	Chesapeake	2026-1
Benjamin M. Mason	Newport News	2026-U
Arthur C. Bredemeyer	Suffolk	2027-2
Aaron F. Kass	Portsmouth	2027-1
<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Ann W. Templeman	Hampton	2026-2
Phil Johnson	Chesapeake	2026-1
Ronald K. Ritter	Chesapeake	2027-2

***Vacancies/Reappointments:***

Two (2) attorney vacancies:

- Lisa Moore is completing her second term.
- Marqueta Tyson is unable to serve a second term.

One (1) attorney reappointment to serve a term of three (3) years

***Nominees are:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Jordan C. Heath	Newport News	2028-1
Patrick R. Macaluso	Hampton	2028-1
Jeannette M. Dodson-O'Connell	Newport News	2028-2

<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
n/a		

**2025 – 2026**  
**NOMINEES FOR DISTRICT COMMITTEES**  
**June 2025**

***SECOND DISTRICT COMMITTEE, SECTION I***

***Current Composition:***

<u><b>Attorneys</b></u>	<u><b>Address</b></u>	<u><b>Term Expires</b></u>
Jeffrey H. Gray	Virginia Beach	2025-2
Ann B. Brogan	Norfolk	2025-1
Jonathan V. Gallo	Norfolk	2025-1
Regis N. Rice	Norfolk	2025-1
Gordon C. Ufkes	Norfolk	2026-2
Tammy McClenney	Virginia Beach	2027-1
Constance J. Vandervelde	Virginia Beach	2027-2
<u><b>Non-Attorneys</b></u>	<u><b>Address</b></u>	<u><b>Term Expires</b></u>
Lloyd Petersen	Virginia Beach	2026-1
Zoah Scheneman	Norfolk	2026-1
Lewis J. Georges	Norfolk	2026-1

***Vacancies/Reappointments:***

Two (2) attorney vacancies:

- Jeffrey Gray is completing his second term
- Regis Rice has been appointed to the bench

Two (2) attorney reappointments to serve a term of three (3) years each

***Nominees are:***

<u><b>Attorneys</b></u>	<u><b>Address</b></u>	<u><b>Term Expires</b></u>
Tammy Gershoni	Virginia Beach	2028-1
Matthew J. Weinberg	Virginia Beach	2028-1
Ann B. Brogan	Norfolk	2028-2
Jonathan V. Gallo	Norfolk	2028-2
<u><b>Non-Attorneys</b></u>	<u><b>Address</b></u>	<u><b>Term Expires</b></u>
n/a		

**2025 – 2026**  
**NOMINEES FOR DISTRICT COMMITTEES**  
**June 2025**

***SECOND DISTRICT COMMITTEE, SECTION II***

***Current Composition:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Gerald L. Harris	Virginia Beach	2025-2
Gregory W. Klein	Virginia Beach	2025-1
Patrick L. Maurer	Virginia Beach	2026-2
Jessica H. Dixon	Virginia Beach	2026-1
Shannon M. Twohig	Virginia Beach	2026-1
Elizabeth K. Ufkes	Norfolk	2026-U
Edwin S. Booth	Virginia Beach	2027-1
<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Ann R. Caudle	Virginia Beach	2025-1
Andrew Kellam	Virginia Beach	2025-1
Sarah B. Stedfast	Norfolk	2026-2

***Vacancies/Reappointments:***

One (1) attorney vacancy: Gerald Harris is completing his second term

One (1) attorney reappointment to serve a term of three (3) years

Two (2) non-attorney reappointments to serve a term of three (3) years each

***Nominees are:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
John F. Sawyer	Virginia Beach	2028-1
Gregory W. Klein	Virginia Beach	2028-2
<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Ann R. Caudle	Virginia Beach	2028-2
Andrew Kellam	Virginia Beach	2028-2

**2025 - 2026  
NOMINEES FOR DISTRICT COMMITTEES  
June 2025**

***THIRD DISTRICT COMMITTEE, SECTION I***

***Current Composition:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Alexandra M. Griffin	Richmond	2025-1
Lee Ann Anderson	Henrico	2025-1
Erin L. T. Ranney	Chesterfield	2025-1
Mary K. Martin	Hopewell	2026-1
James H. Ritchie, Jr.	Dinwiddie	2027-2
Wyatt J. Taylor	Midlothian	2027-2
Christopher L. Spinelli	Richmond	2027-1
<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Garrison M. Hickman	Richmond	2026-1
R. Douglas Robbins	Chester	2026-1
Gordon R. Hickey	Midlothian	2026-2

***Vacancies/Reappointments:***

Three (3) attorney reappointments to serve a term of three years each

***Nominees are:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Alexandra M. Griffin	Richmond	2028-2
Lee Ann Anderson	Henrico	2028-2
Erin L. T. Ranney	Chesterfield	2028-2
<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
n/a		

**2025 – 2026  
NOMINEES FOR DISTRICT COMMITTEES  
June 2025**

***THIRD DISTRICT COMMITTEE, SECTION II***

***Current Composition:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Guy C. Crowgey	Richmond	2025-2
Meredith M. Haynes	Richmond	2025-2
Brielle M. Hunt	Richmond	2025-2
Julie E. McConnell	Richmond	2026-1
Emilee M. Hasbrouck	Richmond	2026-U
David A. Stock	Henrico	2027-2
Brian L. Buniva	Midlothian	2027-1

<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
David Q. Robinson	Henrico	2025-1
Vanessa Griggs	Henrico	2026-1
Karen McCarthy	Richmond	2027-1

***Vacancies/Reappointments:***

Three (3) attorney vacancies: Guy Crowey, Meredith Haynes and Brielle Hunt are completing their second terms

One (1) non-attorney reappointment to serve a term of three (3) years

***Nominees are:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Robert D. Bauer	Richmond	2028-1
Jackson D. Littlejohn	Richmond	2028-1
Erika E. MacCormac	Chesterfield	2028-1
<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
David Q. Robinson	Henrico	2028-2

**2025 - 2026**  
**NOMINEES FOR DISTRICT COMMITTEES**  
**June 2025**

***THIRD DISTRICT COMMITTEE, SECTION III***

***Current Composition:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
K. Matthew Long	Richmond	2025-2
Dennis R. Kiker	Chester	2026-1
Tracy E. Paner	Richmond	2026-1
Brewster S. Rawls	Richmond	2026-1
Jason W. Konvicka	Richmond	2027-2
Bobbi R. Graves	Richmond	2027-2
Adam E. Strauchler	Richmond	2027-1

<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Elizabeth Chancy	Henrico	2026-1
Barbara S. Lanier	Henrico	2026-2
Cody Anderson	Henrico	2027-1

***Vacancies/Reappointments:***

One (1) attorney vacancy: Matthew Long is completing his second term

***Nominees are:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
John A. Stanwix, Jr.	Henrico	2028-1
<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
n/a		

**2025 - 2026**  
**NOMINEES FOR DISTRICT COMMITTEES**  
**June 2025**

***FOURTH DISTRICT COMMITTEE, SECTION I***

***Current Composition:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Elizabeth L. Tuomey	Arlington	2025-2
Dusty S. Reed	Arlington	2025-2
Gregory J. Golden	Arlington	2026-2
Allison H. Carpenter	Arlington	2026-2
Robert T. Hicks	Arlington	2026-1
Colleen M. Haddow	Alexandria	2027-1
Edward Y. Szeto	Arlington	2027-1

<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Lindsay Rose	Arlington	2025-1
Roxana L. Ordal	Annandale	2026-1
Gayle E. Dennis	Arlington	2027-2

***Vacancies/Reappointments:***

Three (3) attorney vacancies:

- Elizabeth Tuomey and Dusty Reed are completing their second terms
- Colleen Haddow has been appointed to the Disciplinary Board

One (1) non-attorney vacancy to fill the unexpired term of Gayle Dennis who can no longer serve

One (1) non-attorney reappointment to serve a term of three years

***Nominees are:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Joseph D. Wilson	Arlington	2028-1
Maxanne R. Witkin	Alexandria	2028-1
Jessica B. Smith	Alexandria	2027-U
<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Tracy Figueroa	Arlington	2027-U
Lindsay Rose	Arlington	2028-2

**2025 - 2026  
NOMINEES FOR DISTRICT COMMITTEES  
June 2025**

***FOURTH DISTRICT COMMITTEE, SECTION II***

***Current Composition:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Kenneth E. Labowitz	Alexandria	2025-2
Foster S. B. Friedman	Alexandria	2025-1
M. Jarrad Wright	Alexandria	2025-1
Sean A. O. Sherlock	Alexandria	2026-2
Michelle Bartoli-Cain	Alexandria	2026-1
Samuel C. Moore	Alexandria	2026-1
Sean P. Schmergel	Arlington	2027-1

<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
William E. Campbell	Alexandria	2025-1
Jennifer J. Krischer	Arlington	2026-1
Amy-Leah Joaquim	Alexandria	2027-1

***Vacancies/Reappointments:***

Two (2) attorney vacancies:

- Kenneth Labowitz is completing his second term
- Sean Sherlock has been appointed to the bench

Two (2) attorney reappointments to serve a term of (3) years each

One (1) non-attorney reappointment to serve a term of three (3) years

***Nominees are:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Joanna M. Foard	Alexandria	2028-1
Karen E. Kelly	Alexandria	2026-U
Foster S. B. Friedman	Alexandria	2028-2
M. Jarrad Wright	Alexandria	2028-2
<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
William E. Campbell	Alexandria	2028-2

**2025 - 2026**  
**NOMINEES FOR DISTRICT COMMITTEES**  
**June 2025**

***FIFTH DISTRICT COMMITTEE, SECTION I***

***Current Composition:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Craig A. Guthery	Tysons	2025-1
Tara J. Mooney	Fairfax	2025-U
David E. Bateman	Fairfax	2026-1
Andrea C. Weiss-Bryk	Fairfax	2026-1
Staci H. Figueroa	Fairfax	2027-2
Darrin J. M. Behr	Fairfax	2027-1
Priti Khanna	Fairfax	2027-1

<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Jeffrey J. Berkin	Vienna	2025-2
Jennifer Neel	Springfield	2025-1
Joseph C. Fleig	Woodbridge	2027-1

***Vacancies/Reappointments:***

Two (2) attorney reappointments to serve a term of three (3) years each

One (1) non-attorney vacancy: Jeffrey Berkin is completing his second term

***Nominees are:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Craig A. Guthery	Tysons	2028-2
Tara J. Mooney	Fairfax	2028-1
<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Tayyaba Malik	Fairfax	2028-1

**2025 - 2026  
NOMINEES FOR DISTRICT COMMITTEES  
June 2025**

***FIFTH DISTRICT COMMITTEE, SECTION II***

***Current Composition:***

<u><b>Attorneys</b></u>	<u><b>Address</b></u>	<u><b>Term Expires</b></u>
Micah E. Ticatch	Vienna	2025-1
Marisa L. Santana	Fairfax	2025-1
Lauren A. D'Agostino	Fairfax	2026-2
Richard B. Orsino	Fairfax	2026-1
Brandon R. Sloane	Fairfax	2026-1
Nicholas J. Lawrence	Fairfax	2027-1
Michelle M. Kaminsky	Fairfax	2027-1
<u><b>Non-Attorneys</b></u>	<u><b>Address</b></u>	<u><b>Term Expires</b></u>
Avery D. Mims	Haymarket	2025-2
Courtney Reheiser	Manassas	2026-2
Jeffrey A. Skigen	Vienna	2026-2

***Vacancies/Reappointments:***

One (1) attorney vacancy to fill the unexpired term of Michelle Kaminsky who has been appointed to the bench

Two (2) attorney reappointments to serve a term of three (3) years

Two (2) non-attorney vacancies: Avery Mims is completing her second term and Courtney Reheiser is no longer eligible to serve due to relocation

***Nominees:***

<u><b>Attorneys</b></u>	<u><b>Address</b></u>	<u><b>Term Expires</b></u>
Brendan D. Harold	Fairfax	2027-U
Micah E. Ticatch	Vienna	2028-2
Marisa L. Santana	Fairfax	2028-2
<u><b>Non-Attorneys</b></u>	<u><b>Address</b></u>	<u><b>Term Expires</b></u>
VACANCY		2028-1
VACANCY		2026-U

**2025 - 2026  
NOMINEES FOR DISTRICT COMMITTEES  
June 2025**

***FIFTH DISTRICT COMMITTEE, SECTION III***

***Current Composition:***

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Samuel A. Leven	Oakton	2025-2
Daniel L. Swanwick	Falls Church	2025-1
Elizabeth M. Bookwalter	Fairfax	2025-U
Matthew P. Tsun	Annandale	2026-1
Kristen L. Kugel	Fairfax	2026-1
Timothy Purnell	Manassas	2027-1
Gabrielle A. Best Husband	McLean	2027-1

<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Poonam H. Magar	Fairfax	2025-2
Barbara W. Hutto	Clifton	2026-1
Charles R. Markham	Gainesville	2027-1

***Vacancies/Reappointments:***

Two (2) attorney vacancies:

- Samuel Leven is completing his second term
- Daniel Swanwick can no longer serve due to a change in employment

One (1) attorney reappointment to serve a term of three (3) years

One (1) non-attorney vacancy: Poonam Magar is completing her second term

***Nominees:***

<u>Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
Mark C. Franco	Fairfax	2028-1
Alisa Chunephisal	Fairfax	2028-1
Elizabeth M. Bookwalter	Fairfax	2028-2

<u>Non-Attorneys</u>	<u>Address</u>	<u>Term Expires</u>
VACANCY		2028-1

**2025 - 2026  
NOMINEES FOR DISTRICT COMMITTEES  
June 2025**

***SIXTH DISTRICT COMMITTEE***

***Current Composition:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Shelia H. B. Holmes	Mechanicsville	2025-1
Daniel C. Yates	Yorktown	2025-1
John Tarley, Jr.	Williamsburg	2026-2
Gary D. Godman	Fredericksburg	2026-1
Jane S. Chambers	Williamsburg	2026-1
S. David Schiller	Mechanicsville	2027-2
Adam R. Kinsman	Williamsburg	2027-1
<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Roy H. Smith	Spotsylvania	2025-1
David Fagiano	Spotsylvania	2026-1
Ti'Juana A. Gholson	Williamsburg	2027-1

***Vacancies/Reappointments:***

Two (2) attorney reappointments to fill a term of three (3) years each

One (1) non-attorney reappointment to serve a term of three (3) years

***Nominees are:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Shelia H. B. Holmes	Mechanicsville	2028-2
Daniel C. Yates	Yorktown	2028-2
<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Roy H. Smith	Spotsylvania	2028-2

**2025 - 2026**  
**NOMINEES FOR DISTRICT COMMITTEES**  
**June 2025**

***SEVENTH DISTRICT COMMITTEE***

***Current Composition:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Seth J. Ragosta	Charlottesville	2025-2
Lisa S. Brook	Charlottesville	2025-1
Benjamin B. Fitzgerald	Leesburg	2025-U
Samantha E. Freed	Charlottesville	2025-U
Ryan D. Ruzic	Warrenton	2026-2
Bret M. Reed	Charlottesville	2026-1
Dillina W. Stickley	Harrisonburg	2027-2
<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Kimberly Gregg	Earlysville	2026-2
Matt Caesar	Charlottesville	2026-1
Michael Z. Blumberg	Goochland	2027-1

***Vacancies/Reappointments:***

One (1) attorney vacancy: Seth Ragosta is completing his second term

Three (3) attorney reappointments to serve a term of three (3) years each

***Nominees are:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Michele L. Burton	Leesburg	2028-1
Lisa S. Brook	Charlottesville	2028-2
Benjamin B. Fitzgerald	Leesburg	2028-1
Samantha E. Freed	Charlottesville	2028-1
<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
n/a		

**2025 - 2026  
NOMINEES FOR DISTRICT COMMITTEES  
June 2025**

***EIGHTH DISTRICT COMMITTEE***

***Current Composition:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Paul C. Kuhnel	Roanoke	2025-2
James W. Curd	Fishersville	2026-2
Vicki L. Francois	Roanoke	2026-2
Lauren M. Ellerman	Roanoke	2027-2
Bryson J. Hunter	Roanoke	2027-2
John C. Blair	Staunton	2027-1
John C. Johnson	Roanoke	2027-1

<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Jennifer T. Brothers	Roanoke	2025-1
Charles S. Coulter	Roanoke	2026-1
Eric W. Bond	Waynesboro	2026-2

***Vacancies/Reappointments:***

One (1) attorney vacancy: Paul Kuhnel is completing his second term

One (1) non-attorney vacancy: Jennifer Brothers is unable to serve a second term

***Nominees are:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Todd G. Patrick	Waynesboro	2028-1

<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Todd Putney	Roanoke	2028-1

**2025 - 2026  
NOMINEES FOR DISTRICT COMMITTEES  
June 2025**

***NINTH DISTRICT COMMITTEE***

***Current Composition:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Michael C. Keenan	Lynchburg	2026-2
Kemper M. Beasley, III	Farmville	2026-1
Kimble Reynolds, Jr.	Martinsville	2027-2
P. Scott De Bruin	Lynchburg	2027-1
Lisa C. Francisco	Halifax	2027-1
Megan L. Clark	Farmville	2027-1
Richard T. Gilman	Forest	2027-1

<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Marc A. Schewel	Lynchburg	2025-2
Sharlene Howell	Dillwyn	2026-1
William S. Warren	Henry	2026-U

***Vacancies/Reappointments:***

One (1) non-attorney vacancy: Marc Schewel is completing his second term

***Nominees are:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
n/a		
<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Sharon Y. Carter	Lynchburg	2028-1

**2025 - 2026**  
**NOMINEES FOR DISTRICT COMMITTEES**  
**June 2025**

***TENTH DISTRICT COMMITTEE, SECTION I***

***Current Composition:***

<u><b>Attorneys</b></u>	<u><b>Address</b></u>	<u><b>Term Expires</b></u>
Bethany M. Long-Hampsten	Wytheville	2025-1
Zachary B. Smith	Pearisburg	2025-1
Anthony D. Covington	Radford	2026-2
Alexandra D. Goodpaster	Abingdon	2026-1
Phillip L. Blevins	Marion	2026-1
Patrick R. Jensen	Christiansburg	2027-1
Sheri H. Kelly	Abingdon	2027-1
<u><b>Non-Attorneys</b></u>	<u><b>Address</b></u>	<u><b>Term Expires</b></u>
Brian J. Craig	Willis	2025-1
Jeffrey N. Hurst	Richlands	2027-1
Kevin Wright	Bristol	2027-1

***Vacancies/Reappointments:***

Two (2) attorney reappointments to serve a term of three (3) years each

One (1) non-attorney reappointment to serve a term of three (3) years

***Nominees are:***

<u><b>Attorneys</b></u>	<u><b>Address</b></u>	<u><b>Term Expires</b></u>
Bethany M. Long-Hampsten	Wytheville	2028-2
Zachary B. Smith	Pearisburg	2028-2
<u><b>Non-Attorney</b></u>	<u><b>Address</b></u>	<u><b>Term Expires</b></u>
Brian J. Craig	Willis	2028-2

**2025 - 2026  
NOMINEES FOR DISTRICT COMMITTEES  
June 2025**

***TENTH DISTRICT COMMITTEE, SECTION II***

***Current Composition:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Timothy A. Boyer	Bristol	2025-1
Chase D. Collins	Tazwell	2026-1
Aaron M. Gillespie	Tazwell	2026-1
Michael A. Thomas	Tazwell	2026-U
Michael F. M. Carrico	Gate City	2027-2
Hugh Shannon Cooke	Cedar Bluff	2027-1
William C. Wampler, III	Abingdon	2027-1

<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Angela C. Fannon	Pennington Gap	2025-2
Jenny Nichols	Bristol	2026-1
Connie Comer	Lebanon	2026-1

***Vacancies/Reappointments:***

One (1) attorney reappointment to serve a term of three (3) years

One (1) non-attorney vacancy: Angela Fannon is completing her second term

***Nominees are:***

<b><u>Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
Timothy A. Boyer	Bristol	2028-2

<b><u>Non-Attorneys</u></b>	<b><u>Address</u></b>	<b><u>Term Expires</u></b>
VACANCY		2028-1

TAB 21



# Virginia State Bar

1111 E. Main Street, Suite 700  
Richmond, Virginia 23219-0026  
Telephone: (804) 775-0500

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**To:** The Virginia State Bar Executive Committee  
**From:** Janet P. Van Cuyk, Deputy Executive Director  
**Date:** June 11, 2025  
**Re:** Request to Participate in Nationwide Lawyer Wellness Study

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## I. Action Requested:

The Virginia State Bar (VSB) respectfully requests authorization for participation in a nationwide study of lawyer wellness.

## II. Background

### A. 2016 Study

In 2016, the American Bar Association's Coalition of Lawyers Assistance Programs (ABA COLAP) and the Hazelden Betty Ford Foundation published a study on lawyer wellness, substance use, behavioral health concerns, and impairment (2016 Study).<sup>1</sup> This was the first national research gathered on lawyer wellness. The sample included 12,825 licensed, employed lawyers from 15 state-bar associations and the 2 largest counties of 1 additional state.<sup>1</sup> Virginia did not participate in this study.

In response to the 2015 Study, the following Virginia-specific reports were published:

- The Supreme Court of Virginia, *A Profession at Risk: Report of the Committee on Lawyer Well-Being of the Supreme Court of Virginia* (2018).
- The Virginia State Bar, *The Occupational Risks of the Practice of Law: Report of the Virginia State Bar President's Special Committee on Lawyer Well-Being* (May 2019).
- The Virginia State Bar, *The Occupational Risks of the Practice of Law: the Virginia State Bar President's Special Committee on Lawyer Well-Being* (Update June 2022).

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<sup>1</sup> The researchers recruited participants from 19 states. Lawyers from 15 states participated: Alabama, California, Colorado, Connecticut, Georgia, Idaho, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, New Hampshire, New Mexico, New York, Oregon, South Carolina, Washington, West Virginia, and Wisconsin.

## **B. 2025 Study**

The primary researcher from the 2016 Study, Patrick R. Krill,<sup>ii</sup> is collaborating with the ABA COLAP on the “National Survey on Lawyer Mental Health and Well-being” (2025 Survey) to provide a 10-year update on the 2016 Study. The 2025 Survey would be a confidential, anonymous survey of licensed, employed attorneys in participating states to establish the current baseline for mental health and substance use concerns in the legal profession. The University of Minnesota Institutional Review Board will review and oversee this study to ensure adherence to ethical guidelines, participant anonymity, confidentiality, and absence of conflicts of interest.

The VSB’s role would be to provide a deidentified membership list, which would exclude those lawyers who have opted out of sharing their information for non-regulatory purposes. The researchers would then use randomized recruitment for member participation. The survey will include: (i) validated assessments for mental health, substance use, meaning, purpose, spirituality, and physical health and (ii) questions about workplace culture, employer values, self-care practices, use of mental health resources, and attitudes toward available resources.

Mr. Krill and co-project lead Justin Anker from the Department of Psychiatry at the University of Minnesota anticipate the 2025 Survey research findings will be published in a peer-reviewed scientific journal in the first or second quarter of calendar-year 2026. The 2026 Survey proposal indicates the research findings will help the VSB better understand and serve the needs of our members and provide useful guidance on mitigating risk and improving lawyer mental health and well-being throughout the profession, consistent with the Supreme Court of Virginia’s Rules of Professional Conduct.

## **III. Conclusion**

The Virginia State Bar (VSB) respectfully requests authorization for participation in a nationwide study of lawyer wellness.

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<sup>i</sup> P.R. Krill, R. Johnson & L. Albert, *The Prevalence of Substance Use and Other Mental Health Concerns among American Attorneys*, J. Addiction Med. (Jan./Feb. 2016). The study found the respondents experienced high rates of depression, anxiety, stress, and problematic drinking. The Study also found that lawyers younger than 30 years of age and those working in the field for less than 10 years reported problematic drinking in a significantly higher proportion than that of their older or more experienced colleagues. This finding was a reversal of previous data that had indicated a positive correlation between levels of alcohol abuse and number of years in the profession. The study also gained insight into lawyer help-seeking behaviors and barriers to treatment.

<sup>ii</sup> Patrick R. Krill, JD, LLM, MA, is an attorney, licensed and board-certified addiction counselor, author, and researcher. He is the Principal and Founder of Krill Strategies, LLC, whose goal is to “reduce the prevalence and impact of mental health and substance use problems in the legal profession, and improve the personal well-being of its members.”

# TAB 22



# Virginia State Bar

1111 E. Main Street, Suite 700  
Richmond, Virginia 23219-0026  
Telephone: (804) 775-0500

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**To:** VSB Executive Committee

**From:** Megan Connor, Deputy Director, Bar Programs & Engagement

**Date:** June 11, 2025

**Re:** VSB Harry L. Carrico Professionalism Course Extension Request

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## **I. Action Requested**

Pursuant to Rule 13.1 Suspension for Failure to Complete Professionalism Course—

Each person admitted to the Virginia State Bar on or after July 1, 1988, as an active member shall complete the course of study prescribed by the Executive Committee of the Virginia State Bar and approved by the Supreme Court of Virginia on the Rules of Professional Conduct and the lawyer's broader professional obligations, and any active member who fails to complete the course shall be suspended unless an extension is obtained for good cause shown. Such course of study shall be funded by attendance fees paid by those attending the course.

Any active member licensed after June 30, 1988, and any other member who changes his or her membership to active status shall complete the required course within twenty-four months of becoming an active member. Failure to comply with this Rule shall subject the active member to the penalties set forth in Paragraph 19 herein.

“Good cause shown” as used herein shall include illness, hospitalization or such other cause as may be determined by the Executive Committee, whose determination shall be final. The Executive Director of the Virginia State Bar is authorized to grant extensions for compliance with this paragraph until the next Executive Committee meeting. Any determination by the Executive Committee or the Executive Director may be reviewed by the Supreme Court on request of the member seeking an extension.

the VSB Executive Committee is charged with evaluating requests for extensions of time to complete the course.

The following **extension** has been requested:

**Nelson Dolores Lopez**

PO Box 2554, Falls Church, VA 22042

Bar ID 98999

Bar Register Date: 6/21/2023

Course Due Date: 6/27/2025

Mr. Lopez is requesting an extension through August 15, 2025, so that he may attend a course after completing an outpatient treatment program this June.

This request falls into Executive Committee Professionalism Course Extension Guideline #3:

*Illness Excuse: These requests usually arise when an attorney cannot attend the last course within the two-year period because of an unexpected illness. Depending on the situation, the EC may grant extra time to take the course without penalty or may instruct the member to take the course within the delinquency period and pay the fee. Maternity leave and caring for newborns does NOT fall into this category.*

Staff recommends granting the extension through August 15, 2025, so that he may take the August course in Fairfax, VA, after completing treatment.

TAB 23



# RESOLUTION

WHEREAS, Michael M. York, founding partner of Wehner & York, P.C., has diligently and generously served as the president of the Virginia State Bar during the 2024–25 Bar year; and

WHEREAS, Michael M. York has enhanced the legal profession as a fellow of the Virginia Law Foundation, as a member of the VLF Continuing Legal Education Committee, the Virginia Bar Association, the Virginia Association of Criminal Defense Lawyers, the Northern Neck Bar Association, and the Old Dominion Bar Association; and

WHEREAS, since his admission to the Bar in 2000, Michael M. York has contributed his time and leadership skills to the Virginia State Bar, serving on the Executive Committee, VSB Council as a 19th Circuit Representative, the Legal Ethics Committee as chair, the Budget and Finance Committee, the Judicial Candidate Evaluation Committee, the Better Annual Meeting Committee, the Bench–Bar Relations Committee, and as an ABA Delegate; and

WHEREAS, Michael M. York showed resolve and selflessness in accepting the call to serve and represented the Virginia State Bar at numerous events including the Virginia Bar Association’s 135th Annual Meeting; the Virginia Law Foundation (VLF) Grant Recipient Luncheon, the VLF 50th Anniversary Gala, and VLF Fellows Induction; Liberty University School of Law’s 20th Anniversary Founder’s Day events; the National Clients Protection Organization meeting in Virginia Beach; Constitution Day: Free Elections and the Rule of Law at the University of Virginia; the Spong Moot Court Tournament at William & Mary Law School; Commemorating the 70th Anniversary of *Brown v Board of Education* at the Library of Virginia; the VSB Diversity Forum; the Law Day Luncheon of the Virginia Mountain/Valley Lawyers Alliance spring meeting; and the 85th Annual Meeting of the Old Dominion Bar Association.

WHEREAS, Michael M. York tirelessly promoted the legal profession by writing columns for *Virginia Lawyer* magazine on topics ranging from the use of cameras in the courtroom to how AI is changing the legal profession; speaking at events, including the VSB Disciplinary Conference, the VSB Solo & Small-Firm Practitioner Forums, the VSB Chairs Meeting, the VSB Annual Pro Bono Conference, VSB Professionalism Courses, the Young Lawyers Conference Bench-Bar Dinner, and the YLC’s Admission and Orientation Ceremony for newly admitted lawyers; and assisting the Entry, Growth, and Distribution of Virginia Attorneys (EGAD VA) Study Committee by attending public hearings, talking with deans of Virginia’s eight law schools, and meeting with the Virginia Board of Bar Examiners.

WHEREAS, Michael M. York’s leadership as president of the Virginia State Bar was exemplified by his unwavering commitment to the profession by speaking to law students at Appalachia School of Law and Regent University School of Law; addressing the Virginia Alliance of Paralegal Associations 14th Biennial Education Conference; supporting local bar associations by attending and speaking at their events; recognizing the staff of the Virginia State Bar by attending staff meetings; and advancing lawyer wellness, diversity in the profession, and lawyer involvement in the community; and

WHEREAS, Michael M. York traversed not only the Commonwealth but also the nation to skillfully represent the Virginia State Bar during his terms as president-elect and president in Denver; White Sulphur Springs, W.Va.; Louisville, Ky.; Chicago; Jackson, Miss.; Phoenix; and Missoula, Mont.

NOW, THEREFORE, BE IT RESOLVED, this 12th day of June 2025, that the Council of the Virginia State Bar, on behalf of its 50,000 members and in recognition of his exemplary service as the 86th president of the Virginia State Bar, offers this expression of gratitude and affection to Michael M. York.

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K. Brett Marston  
President-elect, Virginia State Bar

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Cameron M. Rountree  
Executive Director/Chief Operating Officer



# RESOLUTION

WHEREAS, Michael M. York, founding partner of Wehner & York, P.C., has diligently served as president of the Virginia State Bar during the 2024–25 Bar year; and

WHEREAS, Becky T. York has given her time, support, and substantial resources to enable Michael M. York the opportunity to serve as president of the Virginia State Bar;

WHEREAS, Becky T. York provided sharp editorial guidance for President York's columns in *Virginia Lawyer* magazine, helping him effectively communicate with VSB members regarding timely topics.

NOW, THEREFORE, BE IT RESOLVED, this 12th day of June 2025, that the Council of the Virginia State Bar is pleased to recognize the service and contributions made by Becky T. York to the work of the VSB and offers its expression of abiding gratitude to her and President York.

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K. Brett Marston  
President-elect, Virginia State Bar

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Cameron M. Rountree  
Executive Director/Chief Operating Officer